

GOVERNMENT OF THE DISTRICT OF COLUMBIA

+ + + + +

DISTRICT OF COLUMBIA BOARD OF ZONING  
ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

WEDNESDAY  
16 June 1999

The public hearing convened in Room 220 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

Board of Zoning Adjustment Members Present:

- Sheila Cross Reid, Chairperson
- Betty King, Vice Chairperson
- Jerry Gilreath, Board Member
- Anthony Hood, Commissioner
- Angel F. Clarens, Commissioner
- John Parsons, Commissioner

Staff Present:

- Sheri Pruitt-Williams, Interim Director,  
Office of Zoning
- John Nyarku, Office of Zoning
- Beverly Bailey, Office of Zoning
- Alberto Bastida, Office of Planning
- Janice Skipper, Esq., Office of Corporation Counsel

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

A-G-E-N-D-A

2

Page

A.M.

Case 16445 Continued from the April 7, 1999 Public Hearing Session: Ward Six (ANC-6B)	5
Government Reports	65
Persons in Support of the Application	72
Persons in Opposition to the Application	78
Closing Remarks	86
Case 16449 Continued from the April 7, 1999 Public Hearing Session: Ward Seven (ANC-7B)	98
Government Reports	106
Closing Remarks	108
Case 16469: Ward Four (ANC-4C)	112
<u>P.M.</u>	
Case 16456 Rescheduled from the May 19, 1999 Public Hearing Session: Ward Five (ANC-1C)	154
Government Reports	165
Persons in Support of the Application	173
Closing Remarks	176
Case 16470: Ward Two (ANC-2B)	185
Closing Remarks	194

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

(202) 234 - 4433    [www.nealrgross.com](http://www.nealrgross.com)

1 P-R-O-C-E-E-D-I-N-G-S

2 10:33 a.m.

3 MS. REID: The hearing will please come to order.

Good morning, ladies and gentlemen. This is the June 16 Public Hearing of the Board of Zoning Adjustments of the District of Columbia. My name is Sheila Cross Reid, Chairperson. Jerry Gilreath is present representing the National Capital Planning Commission. Also present is Board Representative Betty King. Representing the Zoning Commission is Mr. Clarens.

10 The topic of today's hearing agenda are available to you. They are located to my left near the door. All persons planning to testify either in favor or opposition are to fill out two witness cards. These cards are located on each end of the table in front of us. When coming forward to speak to the Board, please give both cards to the reporter who is sitting to my right.

16 The order to proceed except in special exceptions in various cases will proceed as follows: (1) Statement of witnesses of the applicant; (2) Reports including Office of Planning, Department of Public Works, etcetera; (3) Persons and parties in support; (4) Persons and parties in opposition; (5) Closing remarks by the applicant; (6) The Board's examination of witnesses permitted, persons, or parties with a direct interest in the case.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1           The record will be closed at the conclusion of each  
case except for any specifically requested by the Board and establish  
at the end of the hearing exactly what is expected.

4           The decision of the Board in these contested cases  
must be based exclusively on the public record. To avoid any  
appearance to the contrary, the Board request the present members  
of the Board do not engage in conversation.

8           We would also ask that you please turn off any  
beepers and cell phones at this time so as to not disrupt the  
proceedings.

11          At this time the Board will consider any preliminary  
matters. Preliminary matters relate to whether a case will or should be  
heard today such as request for postponement, continuance, or  
withdrawal and whether proper and adequate notice of the hearing  
has been given.

16          If you are not prepared to go forward with the case  
today or if you believe that the Board should not proceed, now is the  
time to raise such a matter. Are there any preliminary matters? Does  
the staff have any preliminary matters?

20          MS. PRUITT: Madam Chair, the staff has no  
preliminary matters.

22          MS. REID: You do not?

23          MS. PRUITT: Mo.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: Okay. If not, let us proceed with the first  
case. Also, our recording system is not working properly so we will be  
projecting our voices. When you come forward, please speak loudly  
so that we all will be able to hear you.

5 MS. PRUITT: The first case this morning is case No.  
16445, Application of the National Graduate University (Buchanan  
Elementary School), pursuant to 11 DCMR 3108.1 for special  
exception under Section 210 to establish a private school with 200  
students and staff of 21 located in an R-4 district at premises 1324 E  
Street, S.E. (Square 1042, Lot 827).

All those planning to testify, would you please rise and raise your right  
hand. 12

13 Are you going to testify sir?

14 MR. SCHAUER: Yes, I am.

15 MS. PRUITT: Do you swear and/or affirm that the  
testimony you give will be the truth?

17 MR. SCHAUER: I do.

18 MS. PRUITT: Thank you. Please be seated.

19 MR. SCHAUER: Madam Chairperson, I request party  
status filed a letter several days ago. My name is Lyle Schauer,  
Chair of the Zoning Committee, Capitol Hill Restoration Society.

22 MS. REID: All right. Mr. Schauer, I have a question  
about that. Do you have jurisdiction in this case? There was a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

question about that. Can you affirm for me that this is within the jurisdiction of Capitol Hill Restoration Society?

3 MR. SCHAUER: Under our bylaws our interest goes across the river on the east and the south. Capitol Street is on the west and the merchant corridor along E Street on the north. This is very much in our jurisdiction.

7 MS. REID: But you have like a geographical boundary.

9 MR. SCHAUER: Correct.

10 MS. REID: Then you also have an extended area that is considered your interest area?

12 MR. SCHAUER: We are not limited by the Capitol Hill historic district. This site is just outside the Capitol Hill historic district but it is well within our interest area.

15 MS. SKIPPER: Could you repeat that again because I couldn't hear it.

17 MR. CLARENS: When you say just outside meaning across the street from the boundaries of the historic district?

19 MR. SCHAUER: I think that may be exactly right.

20 MS. REID: With that, Mr. Clarens, as the Zoning Commission --

22 MR. CLARENS: I don't have any more expertise than anybody else. I would be inclined to grant him a pardon status.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: No objection?

2 MR. CLARENS: On the basis that it is a community  
group that represents the interest of a large part of the area and on  
the representation that boundaries of the historic district -- and the  
historic district is set not by you. The historic district is set by the  
Historic Preservation Review Board.

7 MR. SCHAUER: That is correct.

8 MR. CLARENS: So the representation that the  
boundaries are across the street from the site in question, I would --

10 MS. REID: Would grant it? Okay.

11 MR. GILREATH: I'll agree.

12 MS. KING: I have no problem.

13 MS. REID: Okay. Mr. Schauer, there is no objection  
to your being granted party status in this case.

15 MR. SCHAUER: Thank you.

16 DR. BOEK: Madam Chair, this does not include new  
information. It has some maps showing you where the location is. It  
has one table which is a summary of the information. That's the only  
thing. 19

20 MS. REID: Is this --

21 MS. KING: Is this your campus plan?

22 DR. BOEK: Yes.

23 MS. KING: This is the campus plan which we had not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

received for today.

2 DR. BOEK: We had submitted it already with the  
exception that --

4 MS. REID: You had submitted a portion of the  
campus plan. This is a supplement thereto?

6 DR. BOEK: Well, it is a supplement but it does not  
include new information except a map to indicate where it is and a  
table of data which were taken from the report from the back. That  
report has been submitted already. We just put it in table form.

10 MS. BAILEY: Madam Chair, the applicant needs to  
identify himself with his address.

12 DR. BOEK: The question, please?

13 MS. REID: Your name and address, please, sir,  
before you start the testimony.

15 MS. KING: Your name and home address.

16 DR. BOEK: My name?

17 MS. KING: Um-hum.

18 DR. BOEK: Oh. Dr. Walter Boek, B O E K.

19 MS. PRUITT: Your home address, sir? Home  
address.

21 DR. BOEK: Home address?

22 MS. PRUITT: Correct.

23 DR. BOEK: 5011 Lowell Street, N.W., D.C.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: Okay. Dr. Boek, you just submitted to us  
what you are proffering as the campus plan, sir?

3 DR. BOEK: Yes.

4 MS. REID: Dr. Boek, what the Board is trying to  
establish is the campus plan that you submitted that is predicated  
upon your coming under 210 which is for a private school. I'm sorry,  
campus plan and you are a --

8 DR. BOEK: University.

9 MS. REID: -- university and, as such, you are  
submitting a campus plan. Are you a university? Have you  
established that?

12 DR. BOEK: Yes.

13 MS. KING: Are you accredited or not?

14 DR. BOEK: No. We cannot apply for it. We have  
been accredited. We've given courses and finals and all of that but  
we cannot apply for the license in D.C. until we have property.

17 MS. KING: Oh. I see.

18 DR. BOEK: You can't do anything on accrediting until  
you go through that.

20 MS. KING: But your facility in northern Virginia is  
accredited?

22 DR. BOEK: We did not give degrees over there and,  
therefore, they don't have --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: You can be seated, Dr. You don't have  
to stand throughout.

3 DR. BOEK: Well, in Virginia we were authorized to  
operate as a university but we did not offer degrees. Therefore, it did  
not come under the state approval apparatus. We will in the future  
offer degrees.

7 MR. BASTIDA: Madam Chairperson.

8 MS. REID: Yes.

9 MR. BASTIDA: The Zone Administrator determined --

10 MS. REID: State your name, sir.

11 MR. BASTIDA: Thank you. My name is Alberto  
Bastida with the Office of Planning. This is for the record. I would be  
presumptuous to try to shed some light into this. This is not a  
standard university. It is much more limited as a university. The  
Zoning Administrator determined that it's a university and it should be  
heard as a university. The applicant has tried to fulfill the  
requirements of a campus plan. But, in fact, if you decide to have a  
hearing, you will find that it is very limited and it is very low density.  
Especially when you compare it to the previous use of the building as  
a public school.

21 Generally the applicant with this submission, in the  
opinion of Office of Planning, complies with the campus plan. I think  
that there are two or three points that might require further submission

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

to the Board. I would urge that you hear the case and then make a determination.

3 MS. REID: Thank you.

4 Dr. Boek, go ahead. Continue with your presentation.

5 DR. BOEK: I'm sorry?

6 MS. REID: Continue with your presentation.

7 DR. BOEK: Oh.

8 MS. REID: You wanted to make a case.

9 DR. BOEK: All right. Well, we are sort of a very special kind of institution. We were formed because people were concerned about higher education. For example, the Chairman of the Board of the National Geographic, Mel Pavel Grosvenor and Chauncey Leek, the world scholar, and these people got together and decided there ought to be an university to meet some of the needs in the country.

16 One of the first things had to do with the use of federal funds. We started training programs throughout the country and we trained at one time almost all of the procurement officers of the universities and about 26,000 people throughout the country, some 700 courses in 44 cities over the years. We had the first spoke in that area of thought.

22 By the way, that program took only two staff people because everything was done elsewhere. We had more than 50

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

institutes in D.C. where tens of thousands of people came from universities over here to find out what kind of programs existed in the federal Government. These were all in the hotel.

4 We had done many personnel studies, contracts for the local, state, and even federal Government where we wrote complete job descriptions, did market surveys, and wrote job descriptions, set the compensation and benefit packages and everything for small jurisdictions and large ones.

9 We have a lot of interest internationally. We have two books on democracy that are used around the world. One is The Evolution of Democracy. That is about our democracy. Warren Berger wrote the forward to that.

13 I was in an advance meeting with the Minister of Education of Poland and the city council and the director of the university there. They said, "We need a book on how to do this." Came back and wrote the book how to establish a democracy or improve the one you now have. Jimmy Carter and Ronald Reagan wrote forward pieces as did Boris Yeltsin. We have broad interest but we maintain very small classes.

20 We have an international reputation in terms of teaching ESL where our average number of students is seven. We do no advertising. We have never done any recruitment of students, yet we have more students than we can handle. We were rated as the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

best language program in the Washington Metropolitan area by the International Center on 16th Street.

3 In essence, we do want to start a degree program. That, however, will be quite some time from now because we have to consider all the other classes before that. We have to have property before we can do any of that. I can give you a lot more details if you want. 7

8 MR. GILREATH: Madam Chair, in the listing here it says you would have 200 students and 21 staff located, I guess, on the premises. In the written material I didn't see a number of that magnitude. Do you have 200 students at this time?

12 DR. BOEK: Well, if you look at the table back here in Part A, for the degree program the graduate students only meet about twice a week and then about three hours a session so that you don't get a concentration. The English classes are two or four hours and the classes are in the morning, afternoon, and evening so that the total number at any one time is very small.

18 MR. GILREATH: What would that be approximately?

19 DR. BOEK: You can see in this chart  
here -20

21 MS. KING: Fifty-six full-time equivalent students is really what you want, not 200 students.

23 DR. BOEK: Yes. Well, the 200 is not full-time

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

equivalent.

2 MS. KING: No. I mean, if the order were written in  
full-time equivalent, you would want 56. Is that right?

4 DR. BOEK: Well, full-time equivalent comes down to  
50, 60, 70 more students

6 MS. KING: Faculty and staff is 18 and students is 56.

7 DR. BOEK: Oh, yes, 56. That's right.

8 MS. KING: So what you are really asking for is in  
terms of full-time equivalent is 18 staff and 56 students. Is that  
correct?

11 DR. BOEK: That's right.

12 MR. GILREATH: But would you have 70 some odd  
students and staff on the premises at one time? Would there be a  
time when a person could go over there and say you have that  
maximum number on the site at a given time?

16 DR. BOEK: The total at the bottom may show us that;  
the number of class sessions and the number of students. From 8:00  
to 10:00 there would be 30 and from 9:00 to 1:00, 55, 2:00 to 4:00, 30.  
Even those 30 only come twice a week, the graduate students. The  
language students do come five times a week but some of them are  
there for two hours and some for four. The computer studied it.

22 MS. KING: Okay. But never at any time will more  
than 200 students be enrolled. Is that correct?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 DR. BOEK: They will be enrolled but they will not be  
at the building.

3 MS. KING: No. I understand that. At no time will  
there be more than 200 students enrolled. And at no time -- I mean,  
usually campus plans are for 10 years or something like that.

6 DR. BOEK: Yes. Well, this is a 10-year projection.

7 MS. KING: Okay. So at no time between now  
and the year 2010 will you have more than 200 students and not more  
than 21 staff.

10 DR. BOEK: That is correct.

11 MS. KING: Pardon?

12 DR. BOEK: That is correct.

13 MS. KING: I mean, if we grant -- if you grant your  
application and those are the numbers and you want to increase your  
students or staff population, you would have to come back to us. You  
understand that?

17 DR. BOEK: Our international reputation is based on  
having an average of about seven students in the English classes.

19 MS. KING: Okay.

20 DR. BOEK: Because we have no cost for  
recruitment, no cost for advertisement, we are still able to do this  
lower than any other college. I think it's only \$4 an hour for English  
classes because we have none of that overhead.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. GILREATH: Will there be adequate parking for  
this maximum number. What did we say it was? Fifty-six on the  
premises at any one time.

4 MS. KING: We said 74.

5 MR. GILREATH: Okay. Let's assume at maximum  
time whenever it is, whatever time of day or evening, will there be  
adequate parking for staff and students?

8 DR. BOEK: We have 32 parking spaces. There's a  
diagram in here of the plan. We will not need 32 spaces.

10 MS. REID: Mr. Bastida, determination as to accuracy  
of the pricing is done how?

12 DR. BOEK: This is what is not quite clear on the  
report. It should be not by full-time students but that the numbers of  
students coming to this site in private vehicles and the number of the  
staff that would trigger the necessity to provide those parking spaces.

16 I think that is one piece of information that is not quite  
clear on the record, that you should allow if you decide -- well, you  
should allow the record left open to put that into the record, the  
correlation between the number of students, number of staff coming at  
each session, and what those parking requirements are. That way the  
applicant justify that the 32 parking spaces are sufficient, or perhaps  
they are not.

23 MS. KING: For 221 students and staff. Granted that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

these are all adult students. Are they not? What would the ordinary parking requirement be?

3 MR. BASTIDA: There is no requirement.

4 MS. REID: We have to establish it.

5 MR. BASTIDA: You have to establish that. But remember this is a university also that is providing some education to low earners and the mass transit, the Potomac Metro stop is not that far away from there. We have to take into account the number of individuals that would be driving versus the number of individuals that would come in by mass transit.

11 MS. KING: Do we have a traffic study, Mr. Boek?

12 MR. BASTIDA: No. I'm sorry.

13 MS. KING: We have no traffic study?

14 DR. BOEK: No.

15 MS. KING: No professional traffic study?

16 DR. BOEK: About 70 percent of the students for the English program come by Metro.

18 MS. KING: What was that?

19 DR. BOEK: About 70 percent of the students come by Metro. They don't have any cars. They don't have any way to go except the Metro.

22 MS. PRUITT: Madam Chair, on page 21-7, Section 2101.23 it does lay out the parking requirements for a university.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: Where?

2 MS. PRUITT: Page No. 21-7, Section 2101. This is  
 an R-4 district so it would read, "For each building two for each three  
 teachers plus one either for each 10 classroom seats or one for each  
 12 stadium seats or one each for 10 auditorium seats, whichever is  
 greater except as provided." There is a parking requirement.

7 MS. REID: Two for each three teachers would be 14.  
 What was next?

9 MS. KING: Two for each three teachers?

10 MS. REID: Plus either one for each 10 classroom  
 seats or one for each 12 stadium seats or one for each 10 auditorium  
 seats, whichever is greater except as provided.

13 MR. BASTIDA: So basically what it applies here, and  
 I stand corrected, is the number of required parking per teacher and  
 the number of required parking by seat.

16 MS. KING: And you have a 150 seat auditorium? Is  
 that correct?

18 DR. BOEK: Well, I'll tell you, one of our advisers and  
 board members, Mr. William Harps, has so much knowledge about  
 this that I think he may be willing to comment. We figure that the  
 auditorium could hold 150 people.

22 MS. KING: One for every 10 seats so that would be  
 15. That would be a total of 29 that would be required and they have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
 1323 RHODE ISLAND AVE., N.W.  
 WASHINGTON, DC 20005

32. 1

2 MS. REID: It says plus. That plus is two for each  
three teachers.

4 MS. KING: Right. That's 14.

5 MS. REID: Now, this figure that is being given here  
for faculty and staff, is that all inclusive?

7 MR. BASTIDA: That's why they have  
proper 8-

9 MS. REID: No. Faculty and staff are two entirely  
different things. If they make provisions for staff, it doesn't refer to  
teachers. You see what I'm saying?

12 MR. BASTIDA: Yeah.

13 MS. KING: Is the 21 faculty and staff or is that just  
faculty?

15 MS. REID: It says faculty and staff.

16 MS. KING: Everybody who works there for pay  
whether they are teaching part-time, full-time or are on staff as  
secretaries or administrators or yourself as president, 21 people.

19 MS. REID: But out of that 21 how many are actually  
teachers? The regulations specify two for each teacher.

21 MS. KING: How many teachers are in the 21 staff?

22 DR. BOEK: Well, we can tell that here in the  
narrative. We can compute that for you but most of them are faculty

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

teachers. We don't have secretaries anymore. We do all of our writing of letters and everything else on the computer. We have programmers to do the programming but you don't have the others. You have, of course, the accounting officer. You don't have any staff like we used to. I used to have three secretaries. Now I have none.

6 MS. REID: You don't have a defined number of the number of faculty or actual teachers?

8 DR. BOEK: It may be --

9 MS. REID: That's what the parking is for.

10 DR. BOEK: It may be in the narrative here.

11 MS. KING: Madam Chair and Madam Director, even if all 21 are teachers, that would require 14 parking spaces. The auditorium seats 150 people. That would require 15 parking spaces for a total of 29 and they are providing 32. I don't think it's necessary to belabor this point any further.

16 MS. PRUITT: We just need it for the record so we'll have information for the campus plan.

18 MS. REID: The point that Mrs. King is making is well taken. We wanted to kind of for the record make sure that we addressed it. Nonetheless, regardless of whether it's faculty or staff, the number you are providing appears to be in compliance with the regulations. That's what we wanted to get to.

23 MR. HARPS: My name is William S. Harps, H A R P

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

S. I live at 1736 Sheppard Street, N.W., Washington, D.C. 20011.

2 MS. REID: Mr. Harps, just one second, please.

Before you start your testimony, Mr. Clarens has a question for Dr.

Boek. 4

5 MR. CLARENS: Well, no. You can proceed. I'll  
come back to Dr. Boek after you finish your testimony. I just want to  
make sure --

8 MS. REID: That's okay.

9 MR. CLARENS: You're going to be speaking also  
about the program?

11 MR. HARPS: No, sir. I'm going to speak about the  
campus plan.

13 MR. CLARENS: You're going to speak about the  
campus plan?

15 MR. HARPS: Yes, sir.

16 MR. CLARENS: Well, a component of the campus  
plan is the program the university is going to promote. Are you going  
to speak to the program?

19 MR. HARPS: No.

20 MR. CLARENS: Then I would like to ask Dr. Boek a  
couple of questions before. You're going to talk about this physical  
plan? 22

23 MR. HARPS: Sir?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. CLARENS: Are you going to talk about the  
physical plan? What are you going to talk about? The campus plan?

3 MR. HARPS: Yes. I'm going to talk  
about -4

5 MR. CLARENS: What element?

6 MR. HARPS: -- the brochure which we handed you  
which shows the campus plan actually. This is an existing property.  
We're not building anything. It's not going to be any more than what  
you see and it's here. Across the street is a public school. On the  
other side is a half a block of a Safeway and a single family dwelling  
on D Street and E Street block after block going to the north to East  
Capitol Street.

13 MR. CLARENS: If you would allow me then to ask  
Dr. Boek -- is that how you pronounce it?

15 DR. BOEK: Right. Right.

16 MR. CLARENS: -- a couple of questions. It almost  
has to do with the reverse of what we have been asking so far. You  
are talking about a university that from what I've read is going to  
develop a number of programs but you are representing to us that  
you're going to have a maximum of 200 full-time equivalent students.

21 DR. BOEK: Not full-time equivalent.

22 MS. KING: Two hundred students, 56 full-time  
equivalents.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. CLARENS: Fifty-six full-time equivalents. By  
looking at the building which is -- I don't have numbers and you might  
correct me, but I made a quick calculation and the building must be at  
least about 40,000 square feet of building. Do you know the size of  
the building?

6 DR. BOEK: Yes, 57,000 square feet.

7 MR. CLARENS: Okay.

8 DR. BOEK: Most of that is the auditorium. A big  
chunk of that is the auditorium. Then the corridors are tremendously  
wide, about from here to there. For example, the north building on the  
first floor we only have one classroom. The second floor there are  
only two regular classrooms and some smaller rooms.

13 These are big rooms. The middle room we will -- the  
middle building, the center building, on the first floor, again we only  
have one that we can use for a classroom because it takes two or  
three rooms just for the library. Then on the second floor we have  
about four. There just aren't that many rooms.

18 MR. CLARENS: Maybe there's not that many rooms  
but still we're looking at a building that is a rather large building. Fifty-  
seven thousand square feet is not a small building for 57 students.  
I'm interested in the economics of this. I mean, how in the world can  
you possibly afford to have a 57,000 square foot building to serve 57  
students?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: Fifty-six full-time equivalent.

2 MR. CLARENS: That's 1,000 square feet per student.  
That's the size of a house for each of these full-time equivalent  
students who are going to be there -- well, I guess full-time of they are  
equivalent. There is something that is --

6 DR. BOEK: Okay. In the instructions, for example,  
the graduate degree program in the college, we have four fields. We  
want each field to have its own room. That room will have the  
readings for that field and all of the other things that are necessary so  
it will just be used for that even though it's only used a few times a  
week.11

12 MR. CLARENS: Let me tell you where I'm coming  
from. I'm coming from the fact that I find that this is a nonprofit private  
school.14

15 DR. BOEK: Right.

16 MR. CLARENS: Schools in this city with a much  
smaller ratio of area to student have great difficulty in surviving with  
tremendously high tuition rates.

19 DR. BOEK: The tuition rate for the English program  
has been \$3 an hour or \$3.50. The computer classes are only \$5 an  
hour. Our tuition is low.

22 MR. CLARENS: So is this university funded by an  
endowment of some sort? Is this being endowed and you're able to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

offer this as a public service? Is that how we're looking at this?

2 DR. BOEK: The English program pays for itself. All we have to do is break even.

4 MR. CLARENS: The English program --

5 DR. BOEK: Yes.

6 MR. CLARENS: -- pays for itself. The English program is mostly located in northern Virginia.

8 DR. BOEK: We've never had any Government funds although we've done contracts. We had several contracts with the D.C. Government for training. We've had a lot of contracts for the work that we've done.

12 MR. CLARENS: So this is a privately endowed university that subsidizes many of the programs that you have? I'm trying to understand.

15 DR. BOEK: The English and the computer programs are not subsidized. They do meet the cost.

17 MR. CLARENS: How can they meet the cost of a building that has 1,000 square feet per full-time equivalent student? I mean, private schools and universities -- you know, Howard University doesn't have nowhere near 1,000. I mean, it's only 1/10 of that.

21 DR. BOEK: We have run in the black for about 17 years. We have run in the black with the endowment interest income, you see, when you don't have to have a big super structure of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

recruiting and everything else. The students just come from all over. We get a fax from Mongolia and from the airlines there, "Can we send our chief pilots for three months of English training?" They have to know English so we say yes. They send the money and these chief pilots come.

6 They spent three months with us, From 9:00 to 1:00 they studied English. They didn't speak English at all when they came. One of them just a little bit. In the afternoon they studied airplane terminology. They went back in three months and now they can land around the world. They were really serious students. You see, in a small class you can do this.

12 MR. CLARENS: And you charged \$3 an hour for that service?

14 DR. BOEK: They paid only about \$3.50 an hour.

15 MR. CLARENS: This is the best kept secret in the world. It must be.

17 DR. BOEK: Well, we don't advertise. Actually, we have a problem with too many students. I mean, they come from 114 countries. For the English we're talking about now.

20 MS. REID: Do you have dormitories?

21 DR. BOEK: What?

22 MS. REID: Do you have dormitories? Where do these people stay that come from all over the world?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 DR. BOEK: No. This is over in northern Virginia.  
There are lots of apartments. They have friends. They don't seem to  
have -- of course, for the pilots we arrange for them to stay in one of  
the executive hotels.

5 MS. PRUITT: Excuse me, Dr. Boek. For clarification  
on the record, the English program is in Virginia?

7 DR. BOEK: We don't know how much is needed over  
here but we know it can't be very big because the students have to  
have a place to live. There aren't many places to live in that area.  
That's why we think it will be a small number.

11 MS. PRUITT: The school here, though, will that teach  
English classes, too, as the one in Virginia which are sold at \$3 an  
hour? 13

14 DR. BOEK: In Virginia?

15 MS. PRUITT: No. The District School. I mean, while  
your Virginia school is important, for me right now I need to  
understand -- for the record we need to get clear what you're going to  
be doing here in the District.

19 DR. BOEK: And your question?

20 MS. PRUITT: Will you be doing the English classes  
here that you've been referring to?

22 DR. BOEK: We're going to keep the facility in  
Virginia. We have no plan at all because, I mean, it runs --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. PRUITT: What will you be reaching in the  
District?

3 DR. BOEK: We will teach English here but we don't  
know how much of a demand there will be for it.

5 MS. PRUITT: And you will still be teaching them at  
\$3 an hour?

7 DR. BOEK: It's \$4 now because we're going through  
the accreditation process and that cost a lot of money.

9 MS. PRUITT: So --

10 DR. BOEK: We had to increase it to pay for that.

11 MS. PRUITT: But getting back to Mr. Clarens'  
question then, if you're going to have a smaller English component  
here, how economically are you able to convert your other tuitions?  
Are your other tuitions much higher so that you can cover the cost of  
your building?

16 DR. BOEK: Well, it will. It will.

17 MS. PRUITT: Are the others associated with these,  
too? That's the other question.

19 DR. BOEK: In fact, you see, Arlington has its own  
vague educational center. They took a Sears and Roebuck store. But  
what do they send to us? Some of their staff because of the quality.  
The Voice of America. We had a contract with them for years  
teaching their staff.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. PRUITT: For District or for Virginia?

2 DR. BOEK: The Voice of America was taught in their  
offices.

3 MS. PRUITT: But not at this particular site. We're  
4 really concerned about what you're going to be doing at this site.

5 DR. BOEK: Right. We will offer -- we'll start offering  
6 a course in English or a couple of courses and see whether there is a  
7 need. We don't know whether there is a need or not. There may not  
8 be.

9 MS. KING: And other than English what are you  
10 going to teach?

11 DR. BOEK: What's that?

12 MS. KING: Other than possibly teaching English in  
13 the District of Columbia, what else are you going to teach?

14 DR. BOEK: Well, we've had some request from the  
15 charter schools to teach English and help them with their students but  
16 that would be in their facility. Of course, there would be the computer  
17 instruction. We don't expect that to be ready either. Then we want to  
18 launch the degree programs. We would like to get really going in fall  
19 or winter on those.

MS. KING: On what programs?

20 DR. BOEK: Graduate degree programs.

21 MS. KING: Graduate degree programs in what  
22 discipline?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 DR. BOEK: In management and in human service.  
That's for professionals working in the human service field. They have  
to be professionals already before they can get into this program.  
Then our board would like to start a college of democracy to provide  
training for people. It would be a masters of arts in constitutional  
democracy for people who intend to run for offices in this country.  
They would like to have us get that going. The first of the year we  
could have two of these.

9 MS. KING: Where are your students going to live?  
The students for the D.C. facility, where are they going to live?

11 DR. BOEK: Most of these students like the ones  
coming to the college of democracy we would -- you see, we can only  
take 15 students at a time. We would be swamped with people just  
from the staff on the hill, Congress. We have inquired. They are all  
applying to see if they can get into that college. They have places to  
live. These are older people. The average person in our  
management program before was probably about 28. They've got to  
have management experience before they can get into that college.  
It's really a different kind of a --

20 MS. KING: So what you're saying is that your  
graduate degrees will be offered only to residents of the greater  
Washington area.

23 DR. BOEK: No. It will be open. We can't

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

discriminate that way.

2 MS. KING: No. I understand that. So where will the  
people live?

4 DR. BOEK: Well, there would be so few of them.  
Right now where do they live, the ones that come? They have friends.  
They are here from their own country. They go there and get the  
apartments with them. Those friends leave to go back home. I don't  
think the living will be any problem because there won't be that many  
of them.

10 MS. REID: Dr. Boek, I just want a clarification on the  
recording again. I'm sorry. Is it Bork or Boek? Your last name.

12 DR. BOEK: My last name B O E K.

13 MS. REID: How do you pronounce it, though, Boek?

14 DR. BOEK: Boek.

15 MS. REID: I'm sorry. I didn't want to mispronounce it.

16 DR. BOEK: We don't use the old Dutch umlaut. We  
just say Boek.

18 MS. REID: I just want to be sure. You said that you  
were hoping to start a masters program this fall or start the masters  
program this fall. Is that correct?

21 DR. BOEK: No. We can't do it this fall because this  
was delayed and by the time we get a occupancy permit and get the  
buildings ready, there won't be anything in the fall.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: Do you have licensing for the spring?

2 DR. BOEK: After we get this permission to use the  
building, then we have to go after that. That's going to take time. We  
won't be doing anything in the fall.

5 MS. REID: Dr. Boek, are you going to be using all  
three of these buildings? Will you fully utilize all three of these  
buildings?

8 DR. BOEK: Well, the oldest building we are using  
that for storage right now, furniture storage. Someday we would be  
using it. We are putting in 33 furnace and air conditioning units so that  
we can control the temperature anywhere in the building. We can  
maintain it at a low level so we don't have much expense.

13 MS. REID: In all three buildings?

14 DR. BOEK: In all three buildings. Four buildings with  
the auditorium. Of course, these buildings are right together you  
know. You just walk from one to the other. We are doing that to keep  
the cost down so we don't have to -- I mean, we got rid of the old  
steam system which was one system for the whole building. Now any  
room we can keep it a low level and keep the cost down.

20 MS. REID: Students that are accepted to the  
university are undergraduate degrees?

22 DR. BOEK: Are what?

23 MS. REID: The students all have undergraduate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

degrees this being a graduate school.

2 DR. BOEK: Oh, yes, they must.

3 MS. REID: Okay.

4 MR. BASTIDA: I have a couple of questions that  
relates to economy. Mr. Boek, who owns the building?

6 DR. BOEK: The National Graduate University which  
is a nonprofit organization.

8 MR. BASTIDA: Do you have any debts on the  
building?

10 DR. BOEK: No. We have no debts.

11 MR. BASTIDA: And you bought that building?

12 DR. BOEK: We bought a building in Arlington for  
hundred and some thousand dollars and sold it for three and a half  
million dollars which allowed us to buy this building and do the  
outfitting of this building.

16 MS. REID: Excuse me.

17 MR. BASTIDA: Can you share --

18 MS. REID: Go ahead.

19 MR. BASTIDA: Can you share with the Board the  
size of your endowment? The amount of your endowment?

21 DR. BOEK: It's not great at all but it's a number of  
million of dollars.

23 MR. BASTIDA: Less than 10 or more than 10?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 DR. BOEK: No. It's less than 10.

2 MR. BASTIDA: More than five?

3 DR. BOEK: It's less than five. Gee, I'm getting a  
report from the accounting office in a few days. We used it to buy the  
building over here and we've using it for the contractors. It's now  
three or four million.

7 MR. BASTIDA: Okay. Thank you.

8 MS. REID: Did I hear you say you bought a building  
for \$100,000. Did you say that?

10 DR. BOEK: No, no, no. Not a Virginia one.

11 MS. REID: You bought a building for \$100,000 and  
sold that for --

13 DR. BOEK: \$160 I guess.

14 MS. REID: And sold it for how much?

15 DR. BOEK: Three and a half million.

16 MS. REID: Over what period of time?

17 DR. BOEK: We bought it in 1977 and we sold it two  
years ago.

19 MS. REID: That's incredible.

20 More questions, Board members, of this particular  
witness?

22 MR. CLARENS: Well, we're going to have now -- it's  
always going to be addressing the campus plan including building

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

usage, etcetera, etcetera. Is that correct?

2 MS. KING: Yes. Mr. Harps is going to do that.

3 MR. HARPS: I gave my name and so forth. I am  
professionally -- or was. I'm retired -- a real estate appraiser and was  
an appraiser for 64 years in the District of Columbia, Maryland, and  
Virginia. On the sketch -- the pages aren't numbered but most of you  
have seen this page I'm pretty sure. This page shows most of one  
half of Square 1042. If on the left-hand side you take that all the way  
down to the corner -- does everyone have that page in front of them?

10 If you draw a line coming straight down to the corner  
as you're bringing it to you and straighten that out on the E Street  
side, that would be the maximum of the campus. That's all it can be.  
Other properties are spoken for and are across the street.

14 The institution has no plans to provide any other property  
except they would like to get this piece of property in this corner down  
here which is improved now with five or six stores and one place, I  
believe is occupied and some vacant. That would be the extent.  
What you see plus this would be the maximum of the campus plan. I  
remember the campus plan for every university in the District of  
Columbia. I remember the problem was they were always expanding,  
expanding, expanding.

22 There was a lot of problem in the neighborhood. Here  
there is no expansion except that kind of expansion which will be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

beneficial to the neighborhood because these stores here are vacant and are used all except one, I think.

3 DR. BOEK: It's owned by the city, the Recreation Department, with no stores there now. They have that shoe repair place but --

6 MR. HARPS: That's right. Shoe repair place. It's used as a hangout. That's a problem.

8 MS. KING: Are you, therefore, planning to amend your campus plan to say that you might? I mean, Mr. Bastida, or someone, tell me if they acquire that corner property, do they then have to come back with an amendment to their campus plan?

12 MR. BASTIDA: Yes, Mrs. King. They will have to come back. In fact, they are proposing a campus plan for 10 years so even if they were going to increase the number of the students and the staff or make any changes, if you decide to approve the master plan and they cap it, they will have to come back for an amendment to the master plan.

18 MS. KING: Okay.

19 MR. HARPS: I'm merely bringing this --

20 MS. KING: But if they do acquire this property on the corner, they would have to come back to amend their campus plan?

22 MR. BASTIDA: Yes.

23 MR. HARPS: I'm merely bringing it up to show the --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: No, no.

2 MR. HARPS: -- upper limit of the campus.

3 MS. KING: I didn't know if you were already in negotiations and if this was going to be an amendment.

5 MR. HARPS: No.

6 MS. KING: I mean, if you were going to make that corner part of your campus plan.

8 MR. HARPS: The campus plan is what you see on here. The three existing buildings and the rest is ground. The squares are wide walkways. The parking area is laid out. There is actually ample ground for parking elsewhere on this particular site that could be converted to parking if we found it was necessary.

13 MS. KING: Where would that be?

14 MR. HARPS: On the B Street frontage. That's where they have outdoor -- the neighbors gave a concert with a group of singers from the Philippines there two weeks ago to which I attended and they had seats and the group that was singing, the chorale, sang in that area. That's quite a large area. It's outside between the fence and the building.

20 MS. KING: Okay. The access to the parking and the property in general is from D Street. Is that correct?

22 MR. HARPS: No. Actually --

23 MS. KING: Where does the curb cut?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. HARPS: Access to the parking is in an alley that comes down from E Street that comes right into the parking.

3 MS. KING: Oh, I see. Comes in --

4 MR. HARPS: Right at the back of the Safeway store on the right-hand side of this. All that space going all the way over to 14th Street is a half-block Safeway. That's their entrance, an alley coming up on the west side -- I mean, on the east side or the right-hand side which would enter into the parking area.

9 MS. KING: I see. And so the apparent break or crosswalk walkway and so forth, that is all pedestrian?

11 MR. HARPS: Yes.

12 MS. KING: That's all pedestrian?

13 MR. HARPS: That's all pedestrian.

14 MS. KING: Thank you.

15 MR. HARPS: That's merely -- as a matter of fact, this entire space you can see existing building on the upper left-hand side of this. The white space beneath that is that space.

18 MS. KING: Is that courtyard?

19 MR. HARPS: Yes. The courtyard which there is no requirement to have a courtyard there occupying about 30,000 square feet. The total buildings occupy 57,000. The total lot is 90 some thousand. There's considerable parking there.

23 MS. KING: And all of this planting that you have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

because one of the requirements, of course, of Section 210.4 is the screening. All of this planting exist. Does it? Is the property well screened from the surroundings?

4 MR. HARPS: The property is well screened now but this building has been vacant for three or four years and they have been working on it. For example, one building that he said was used as storage at the present time, there's been very little done in there except put the new roof in.

9 MS. KING: No, no. What I mean is there planting so that there is a visual screen. I mean, there are fences and/or there appears to be a good deal of shrubbery and trees and so forth that would screen this property from the people who live across the street.

13 MR. HARPS: There's a fence coming along the D Street side all the way and there are trees. Before this property is finished, there is a considerable amount of work to be done. This is made by an architect that shows the trees. Each one of these circles with the crosses in them will be the trees that they are going to put there. 18

19 MS. KING: So there is shrubbery on the fence and where there is a tree symbol on this plan, there is either a tree there already or you intend to plant trees?

22 MR. HARPS: Yes.

23 MS. KING: I just for the record to establish that your

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

building will be attractively screened from the view of the people in the surrounding private properties. Thank you.

3 MR. HARPS: Well, it will be screened at least as well as it is now and has been for the last, say, 60 years. This building on the end is 100 years old.

6 MR. CLARENS: Talking about the building, about the physical facility, do you have any idea what the maintenance cost of this facility will be over a period of a year? Can you make an estimate as to how much it would cost to maintain and to heat and cool and paint and trim the shrubberies and water the lawns and mow the lawns and paint the interior. Just regular upgrading maintenance. Regular maintenance of this facility on a yearly basis.

13 DR. BOEK: We have that budgeted, our board of governors.

15 MR. CLARENS: And what is your budget for that?

16 DR. BOEK: I don't have it with me. I'm sorry.

17 MR. CLARENS: I've explained to the Board and to you where I'm coming from and why I'm concerned about these issues of the finances of this institution. It has to do with the adverse impact. If the adverse impact issue, which is one of the elements that the Board needs to establish in order to grant this special exception, that no adverse impact would be created by the granting of this special exception.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1           The finances are important because if we are not convinced that the finances are in place to maintain this building, with the best of intentions and with the best of programs this building can become an eyesore and a source of adverse impact to the community by its lack of maintenance. That's where I'm coming from.

6           I'm coming from the fact that I see very few students. I see a relatively low endowment. You have testified that you have approximately \$3 to \$4 million. That would provide you with a reasonable annual income of maybe \$200,000 at a 5 percent net return.<sup>10</sup>

11           You have 57,000 square feet. That gives you approximately \$4 per square feet or less than that if you take the product of the endowment. That's not talking about any subsidies to the faculty or to the staff or salaries that might be paid.

15           So I'm having a lot of difficulty, Dr. Boek. I mean, I'm giving you an opportunity. I have a lot of problems with seeing how the finances of this institution work. If the finances are not clear, how are you going to maintain it? How are we going to go to the community and say, "Yes. This is going to be an institution that will not create problems for you." Because later on you are going to go and have to do something else like, I don't know, have parties.

22           I'm joking. You know, have a nightclub in the auditorium in order to finance the institution. I know that you would

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

never do that but I'm suggesting that we don't know. Or that the institution is going to start developing -- the grass is going to grow high, the bushes aren't going to be trimmed, the trees are going to die.

4 I know that is not your intention but it seems to me that you have to convince this Board that the elements are in place for maintaining this building in a manner that will not be detrimental to the neighborhood, in a manner better than the District public school system was able to take care of.

9 DR. BOEK: We're maintaining it right now. There are no more needles around which we found when we came there. The grounds are taken care of. The only thing is, as he said, the property on the corner is a problem because that's where there's an awful lot of drinking going on. We would like to acquire that to clean that up. We have installed 247 windows and they are all thermal pane windows. That's all done. Our major expenses are done. We've stopped all the leaks and all the damage from that. We haven't any problem with that. The language program that we're running now and the computers, even at that low fee, are going to be producing nearly \$200,000 in excess of expenditures.

20 I know no one else can do this but do you want to look at the books? I can show you and we will increase our endowment with our activities and our board of governors.

23 MR. CLARENS: I don't think it's necessary for us to

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

look at your books. I think it is necessary for us to establish that the institution has the ability to maintain the buildings and the grounds in a manner that will not adversely impact the community. That's what we need to establish.

5 DR. BOEK: May I show you that --

6 MR. CLARENS: And we have your testimony that you will do so, but we do not have any other material except very vague notions about what kind of programs you're going to have with a very low student population, very low fees that you are testifying that you will collect from those, a very large old building that typically is a high maintenance building.

12 Even in spite of your doing all the capital improvements now, it is still going to cost money to maintain those rooms. It's going to cost money to maintain the property and a relative small endowment. I just simply don't see everything, you know, coming together. We are trying to decipher. We have to tell the community what this is going to be. I don't doubt that you've cleaned the grounds and I don't doubt that you have done everything that you're saying. We're going to have testimony from the community to that effect. We need to know ourselves as a Board that this institution has the economic ability to run itself properly and it doesn't seem that the material is here in front of us. We might want to ask you perhaps for visual material as to the size of the endowment,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

the cost of maintenance of the building.

2           You are going to have to have a janitor or two janitors to run this operation. That cost money. That in itself is going to take a portion of the income that the endowment is producing. All these things are very much vague.

6           DR. BOEK: Well, we have some experience along that line. Our building that we owned in Virginia was 30,000 square feet and so on. I assure you we will maintain the property. We will have the resources to do that. I don't know what else I can say.

10          MS. REID: Mr. Boek, how long have you owned the building, two years?

12          DR. BOEK: Have what?

13          MS. REID: You've owned the building for two years?

14          DR. BOEK: No, one.

15          MS. REID: One year. In that year's time you have maintained the building. However, the building was not utilized. You said you recently installed how many heating plants?

18          DR. BOEK: Thirty-three.

19          MS. REID: Thirty-three heating plants.

20          DR. BOEK: Combination.

21          MS. REID: Excuse me?

22          DR. BOEK: Combination heating and air conditioning.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: And when was that completed?

2 DR. BOEK: It's not completed yet but it's near  
completion.

4 MS. REID: Once that is installed, then you are going  
to have to maintain it and also the utilities for the heating and cooling  
of those three buildings. Did you not have some type of proforma  
submitted for your income and expense for the building?

8 DR. BOEK: We do what?

9 MS. REID: A proforma. In other words, a projected  
analysis of what the cost to maintain the building would be given, what  
you would be able to contribute -- what you have available to offset  
those expenses.

13 DR. BOEK: Well, the board of governors has to  
approve the budget which they have. You have to have the expenses  
compared to the income. That's true. Of course, we used some of  
the resources we had from selling the other building to purchase this  
building. We paid cash for it. We paid more than the appraised value,  
\$1 million 562 thousand, and we are paying for these other things.  
We don't see any real problem.

20 Our programs denote without all that overhead of  
expense of advertising and everything. You know, the students just  
come and they are going to come to this one when we're ready for the  
degree programs. Those tuitions will be about \$12,000 or \$14,000 a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

year. 1

2 MS. REID: Have you given any consideration to  
leasing out a portion of your building or one of your buildings to any  
other school like one of the charter schools or something like that to  
offset your expenses?

6 DR. BOEK: No. We will not do not. We have people  
coming to lease from us and we tell them no. We will not do that.

8 MR. CLARENS: Dr. Boek, if I may, would you mind  
sharing with the Board after this hearing some of the budgetary issues

-- 10 DR. BOEK: Sure.

11 MR. CLARENS: -- that I have referred to like what is  
the budget for this operation. It's grounded on our interest not to pry  
into your business, which is your business, but in trying to establish  
that, in fact, you have the financial ability to run this operation in a  
manner that will not adversely affect the community.

16 DR. BOEK: We can furnish whatever other  
information you may want.

18 MS. REID: What concerns me is the issues that have  
been raised by Mr. Clarens with the physical plan of 56,000 square  
feet and only about roughly 56 full-time equivalent or 200 students.  
That space will not absorb that population. The unit will have a lot of  
vacant space that will just not be utilized. Can you clarify that for me?

23 DR. BOEK: Well, you have to take the auditorium out

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

of that. 1

2 MS. REID: How large is the auditorium? How many  
square feet?

4 DR. BOEK: Pardon?

5 MS. REID: What is the square footage of the  
auditorium?

7 DR. BOEK: I don't know how many square feet it is.

8 MS. REID: Approximately.

9 DR. BOEK: If you look at the diagram, you'll see that  
it's a big part.

11 MR. CLARENS: It's about 6,000 square feet.

12 DR. BOEK: Then when you talk about the halls that  
are so wide, in terms of utilizing the space, it's not as much as it looks  
like. 14

15 MS. KING: There's one building that is entirely  
auditorium? Is that correct?

17 MR. CLARENS: The wing that projects over 13th  
Street. 18 That's the auditorium.

19 MS. KING: That's the auditorium, the small part of the  
L. That whole building is the auditorium. Is that correct?

21 MR. CLARENS: Yes. I guesstimated that to be maybe  
6,000 square feet. I have no idea. We might want to clarify that. We  
might want to ask the applicant to provide us with more detailed plans

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

that would show, in fact, the size of the different elements including the size of the corridors that you speak to. Even if it is 6,000 square feet out of 57,000 square feet, you still have 50,000 square feet.

4 Even if you say that this is highly inefficient and has a 60 percent utilization, which I doubt it is that low, but a 60 percent net to growth space utilization, meaning that only 60 percent is actually usable space and the rest of circulatory space and walls and columns, etcetera, etcetera, you are still talking about 60 percent of 50 would be 30,000 square feet. You are still talking about 30,000 square feet for 57 students. This is now net space.

11 I think it's wonderful. I mean, I'm not complaining about it. I wish that was in your business somehow and had 57,000 square feet or 30,000 square feet to serve 57 full-time equivalents, and it's not even going to be that. We don't even have 57 for the way that you are describing. We are going to have four people or 15 people and 12 people here and there occupying the building.

17 The picture I'm getting is a building that is going to be literally empty the majority of the time with, you know, four cats walking around the halls occasionally. I'm having difficulty with that. I don't know about the rest of the Board and I will stop pursuing this line of questioning. I'm having a lot of problems understanding this institution.

23 MR. GILREATH: Do you have other branches for the

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

university in other parts of the country?

2 DR. BOEK: No.

3 MR. GILREATH: If we were to -- you have to have  
this for 40 years? I thought you said five years. Your endowment is  
such I think it could carry five years even with all of the concerns that  
Mr. Claes seems to have. Five years will give you a chance to  
prove that it economically viable and so forth. Could you live with  
that? 8

9 DR. BOEK: That's not my concern.

10 MS. REID: All right. Mr. Harps, are you done with  
your testimony?

12 MR. HARPS: Just about. I would just suggest that  
you grant the applicant an extension of time to furnish the data --

14 MS. REID: Well, yes.

15 MR. HARPS: -- that you've asked for in writing to  
each member and we set another date or you set another date for a  
hearing.

18 MS. REID: All right. Other witnesses, Mr. Boek?

19 DR. BOEK: That means that we can't identify for the  
licensing and we have to wait?

21 MS. REID: Well, what we're going to do is require  
that you submit certain information to us prior to us making that  
determination at our next regularly scheduled meeting.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: Which is the first Wednesday in July.

2 DR. BOEK: The 10th of July?

3 MS. KING: The first Wednesday of July.

4 DR. BOEK: Oh, the first Wednesday. Sure.

5 MS. REID: Basically we're not trying to in anyway  
hamper your initiation or your commencement of the opening of your  
facility. It's just that we need to be satisfied.

8 MR. CLARENS: Ms. Reid.

9 MS. REID: We don't want to hamper that but we want  
to make sure that --

11 MR. CLARENS: We need to conclude the hearing  
and then we'll deal with all those issues as to what we need. We'll  
establish what we need and all that.

14 MS. REID: I'm sorry, sir. Were you going to testify?

15 MR. SCHNIPPER: I could testify. I submitted a  
witness card.

17 MS. REID: Your name?

18 MR. SCHNIPPER: Harry Schnipper.

19 MS. REID: And you are?

20 MR. SCHNIPPER: I own the adjacent property to this  
building.

22 MS. REID: You're coming --

23 MR. SCHNIPPER: Testifying as an opponent.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: It's not time yet for you to participate but  
you will get an opportunity.

3 Cross-examination, Mr. Schauer.

4 MR. SCHAUER: Dr. Boek, I have a few questions  
about the full-time equivalents. On your Exhibit C, Part C, the  
narrative of the utilization of the facility, in the first paragraph under  
number 7 of staff, professors, and administrative employees, you have  
the statement that the full-time equivalent number of students would  
be 50 at the end of 10 years. You're talking there about the course of  
English as a second language as I understand it.

11 Then in the next paragraph you say you intend to  
initiate a graduate degree training program. It goes on to say that the  
total number of full-time equivalent students by the end of 10 years will  
be 40.14. When I add 50 and 40 I come up with 90. Yet, your next  
paragraph says, "Therefore, the total FTE for students, faculty, and  
staff would be 76." I don't understand where you get these numbers  
from. Why is it not adding up for me? Is there a typographical error  
here? 18

19 DR. BOEK: I think that the work is accurate as  
reflected here. What do you think is wrong?

21 MR. SCHAUER: Well, I would add 50 and 40, I would  
come up with 90, and then I would add 26 for the faculty and come up  
with 116.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 DR. BOEK: Where do you get the figure 40 from?

2 MR. SCHAUER: It's in the second paragraph. It  
says, "Therefore, the total number of full-time equivalent students --

4 DR. BOEK: That's 76.

5 MR. SCHAUER: No. The paragraph above that.  
"Therefore, the total number of full-time equivalent students by the  
end of 10 years would be 40. The faculty and administrative staff for  
this program would be 18." So you have full-time equivalents of 50 in  
the first paragraph, 40 in the second. You have 18 staff mentioned in  
the second, and I believe there are eight staff mentioned in the first.

11 DR. BOEK: Yes.

12 MR. SCHAUER: So I would add 50 and 40, 18 and  
eight, and come up with 116. Am I missing something here?

14 DR. BOEK: We can review those figures. It still  
doesn't make much of an increase. Does it?

16 MR. SCHAUER: When we go back to Part A which  
we've been discussing at some length, we see the number of full-time  
equivalent students is 56 which you had a different number, not 76 or  
90, or whatever it should be. I don't understand.

20 MS. REID: Is that a typo?

21 DR. BOEK: Maybe so.

22 MS. REID: Part C it says in the first paragraph, "Full-  
time equivalent number of students will be 50." Then down in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

second paragraph it says, "Therefore, the total number of full-time equivalent students by the end of 10 years will be 40." Is that --

3 DR. BOEK: Probably so.

4 MS. REID: What is the correct number, 50 or 40?

5 DR. BOEK: Well, this is a table that was worked out and we'll have to review those carefully to see the variation.

7 MS. REID: Where the correction is to make that the correct figure.

9 DR. BOEK: It's not too much of a variation.

10 MS. REID: Are you waiting for a response?

11 MR. SCHAUER: I was wondering whether Dr. Boek was done.

13 MS. REID: Yes. He said there was an error that has to be corrected.

15 DR. BOEK: We can correct that.

16 MR. SCHAUER: Can you tell me the methodology in which you arrive at this full-time equivalents? What is it based on?

18 DR. BOEK: What?

19 MR. SCHAUER: How do you calculate a full-time equivalent? You have 200 students here.

21 DR. BOEK: It depends on how many hours they are in class a week.

23 MR. SCHAUER: Okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 DR. BOEK: Full-time staff people would be 40 hours  
a week2 Full-time faculty.

3 MR. SCHAUER: How about students? What do you  
count as a full-time student?

5 DR. BOEK: Students would be -- you would have to  
figure it out on a similar basis. They could be there four hours and  
they could be there eight hours during the day. How would you figure  
it? 8

9 MR. SCHAUER: Suppose a student were there for  
eight hours during the whole of the week.

11 DR. BOEK: How would you figure that?

12 MR. SCHAUER: Well, normally I think there is --

13 MS. REID: Mr. Schauer, it is sort of inappropriate for  
you to answer Dr. Boek  
s question.

16 MR. SCHAUER: Well, that's true. I stand corrected.

17 MS. REID: This is your opportunity to cross-examine.

18 DR. BOEK: Well, it's a ratio of the number of hours  
they are in class to the total hours that they could be in class for the  
whole week.

21 MR. SCHAUER: What might that total be? Would it  
be 40?22

23 DR. BOEK: It could be 40. There is a standard

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

formula for this if a staff or student is there only two hours a week. You're saying maybe you should figure 40? You want to figure 35 or what? We figure that as a regular work day.

4 MR. SCHAUER: Let me understand. If a student were there two hours, you would then count that student as being 2/40 of a fulltime student?

7 DR. BOEK: Something like that, yes.

8 MR. SCHAUER: Now, are you, or do you have to be licensed in the District of Columbia before you open?

10 DR. BOEK: Everybody I think knows that, yes.

11 MR. SCHAUER: Have you applied for a license?

12 DR. BOEK: No. We cannot apply until we have property.

14 MR. SCHAUER: Property. But you own property.

15 DR. BOEK: We don't have the right to use it.

16 MR. SCHAUER: You don't have a C of O. Is that what you're saying?

18 DR. BOEK: We don't have the right to use the property. That's what we're asking for. Once we get that right, we will be able to apply.

21 MS. PRUITT: But you can use your property now. You just can't use it as a university. Is that correct?

23 DR. BOEK: Pardon?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. PRUITT: I mean, you can use your property  
because you own it but you --

3 DR. BOEK: We can't because we have no right to  
use it. 4

5 MS. KING: They have no C of O.

6 MS. PRUITT: Right, but he's saying they can't use it  
for anything.

8 MR. CLARENS: For residential.

9 MS. PRUITT: Right.

10 MR. CLARENS: It's an R-4.

11 MS. PRUITT: Right. He can use it for residential but  
he can't use it for a university.

13 MR. CLARENS: That's correct.

14 MS. PRUITT: I just wanted to clarify that he does  
have access to it.

16 MR. SCHAUER: And an application for a C of O has  
been made?

18 DR. BOEK: What's that?

19 MR. SCHAUER: Has an application been made for a  
C of O?

21 DR. BOEK: We have not made an application  
regarding this.

23 MR. CLARENS: He would require a special

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

exception from the Board before he can make an application for certificate of occupancy.

3 MR. SCHAUER: If that's true, Mr. Clarens, I'm concerned about the timing here because classes are about to begin. We have no C of O. We apparently have no license. We have no application for either one.

7 MS. REID: Well, you're testifying at this point, Mr. Schauer.

9 MR. GILREATH: As I understood Mr. Boek, he said that you would not be able to set up the graduate university this year. You can start the motion but the actual enrollment is going to occur next year. Is that correct?

13 DR. BOEK: That the enrollment what?

14 MR. GILREATH: Of the graduate university program. You said you would not be able to get it off the ground this year. It would have to be next fall. He seems to be saying that you can't get it started this fall. It would be next fall, I presume, or next summer.

18 DR. BOEK: Well, we have fields of study that last about three months so they could start in March or the first of the year.

20 MR. GILREATH: But you're not aiming for this fall in other words. Okay.

22 MR. HARPS: May I clarify part of the answer to this question?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: Sure.

2 MR. HARPS: A C of O is required by the government  
of the District of Columbia at which time they send out inspectors to  
inspect every last single mechanical part of the building. When they  
send that out -- until they send that out and okay it, they will not issue  
a C of O and you have to go to each separate person in charge of it  
over at 610 or 608 H Street. Until this building is finished, the  
amount of work that is done that can be approved by all of these  
inspectors, there's going to be no C of O, not even for a dwelling or  
nothing. It's got to satisfy the law with regard to all kinds of things.

11 MS. REID: This is true.

12 Mr. Schauer, are you just about done?

13 MR. SCHAUER: Yes, I am.

14 MS. REID: Okay. All right. Thank you very much.

You can go back. Actually, you can stay here.

16 Government reports, Office of Planning.

17 MR. BASTIDA: Good afternoon, Madam Chairperson  
and members of the Board. My name is Alberto Bastida with the D.C.  
Office of Planning. The Office of Planning has been working with the  
applicant trying to shape the presentation to the Board. Let me point  
out a couple of things that were not addressed.

22 The applicant meets with the FAR requirement  
because it's 0.51 and 0.8 is permitted, I believe. The applicant has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

submitted a series of descriptions and data to the Board. The Office of Planning has a suggestion that the Board leave the record open to provide the following information.

4           One is what Mr. Clarens requested on the budget matter which it would require to put forth what the cost of the maintenance of the construction of the grounds would be the way you expect to be able to address those in a financial manner.

8           Also, the way that you arrived to the FTE. Is that equivalent to 40 hours, 32 hours, 20 hours? You know, whatever it is. I think that should be put and clarified into the record.

11           In addition, there should be an analysis of the number of the students that are coming to the site and they overlap in class and what is anticipated the mode of transportation that those students will use. That would include the faculty.

15           MS. KING: A traffic study in other words.

16           MR. BASTIDA: Potential traffic impact. It could be done in many different ways. It doesn't have to be extensive but it has to really address that issue so the Board can look at it and make a determination if, in fact, the university because of the proposed traffic impact will have a deleterious impact on the area. We thought, at least, the Office of Planning cannot make a recommendation that it would be deleterious to the area or not.

23           In addition, Office of Planning believes that a

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

landscape plan should be permitted for the record. The property looks fairly decent but I think that further planting, and especially on the southwest corner of the property, which is the boundary between the property and the adjacent property that is curved out, should be addressed.

6 If all that information is provided and the Board determines that there will not be a deleterious impact, then the Office of Planning recommends approval of this application.

9 MS. REID: Mr. Bastida, did you have a written report?

11 MR. BASTIDA: No. I did not.

12 MS. REID: Are there any other Government reports?

13 MS. KING: There's an ANC report.

14 MS. REID: Okay.

15 MS. BAILEY: Madam Chair.

16 MS. REID: Yes.

17 MS. BAILEY: I'm sorry. I would like to make a statement concerning zoning which I don't think has been brought out as yet. That is, this building has been used as a school for a very long time. 20

21 MS. REID: Give your name.

22 MS. BAILEY: Beverly Bailey with the D.C. Office of Zoning. 23 This building has been used as a school for a very long time.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

Other than residential use there is very little else this building can be used for without the approval of the Board. I don't think the applicant has clearly articulated that almost any use other than for residential has to be approved by the Board. Even though the building has been used as a school for a long time, he can't even use it as that without the Board's approval.

7 MS. REID: Thank you.

8 MR. BASTIDA: In addition, it should be pointed out  
that -- 9

10 MS. KING: I'm sorry. I didn't hear what Ms. Bailey  
had to say. Could somebody summarize?

12 MR. BASTIDA: That, in fact, the property cannot be  
used basically for anything without Board approval.

14 MS. REID: Except residential

15 MR. BASTIDA: Except for residential.

16 MS. KING: Right. Okay. We knew that.

17 MR. BASTIDA: But also the Board has to take into  
account when making the determination of a deleterious impact the  
previous intensity of the use of property versus what is provided now.  
I think that the applicant should also in addition submit for the record  
the previous use and intensity of use of the property versus what is  
intended to be used for.

23 MS. REID: Repeat that again. Provide what?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. BASTIDA: The previous intensity of use of the  
property. That means how many children were there, the hours of  
operation, how many staff and teachers were there prior to this. That  
goes to adverse impacts on the use.

5 MS. REID: But the school was previously used as a  
D.C. public Buchannan Elementary School and the intensity was  
greater than what has presented here.

8 MR. BASTIDA: I think that should be part of the  
record because you will have to take that into account in my opinion.

10 MS. KING: What Mr. Bastida is simply saying is that  
the university should provide that contrast not only to show how they  
reckon FTEs, on what basis, how many hours and so forth, but show  
what the previous use was and how their use will be greater or less  
than the previous use.

15 MR. BASTIDA: You see, the regulations require that  
FTE would be the figure used but the FTE versus the number of  
individuals at the site at a given time could be quite different.

18 MR. HARPS: Mrs. King, there's a question on that.  
At what point in time? Because this school gradually decreased in  
population of students until they closed it. Are you talking about when  
it was fully utilized?

22 MS. KING: Yes.

23 MR. HARPS: Or are you talking about the year

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

before it closed?

2 MS. KING: No, the full utilization.

3 MR. GILREATH: The time of maximum use. That  
way we would know the intensity.

5 MR. BASTIDA: That would give you maximum  
impact.

7 MR. HARPS: Right.

8 MS. REID: Okay. Mrs. King, give us the ANC report.

9 MS. KING: Yes.

10 MS. REID: Is there anyone from the ANC-6B here  
today to testify? Oh, okay.

12 MR. SIMON: I'm present but I'm not here to testify.

13 MS. PRUITT: Your name, please?

14 MS. REID: Come forward and give your name and  
your address.

16 MS. KING: Before you say anything you've got to be  
identified.

18 MR. SIMON: Gottledge Simon, Executive Director for  
Advising in neighborhood commission 6-B.

20 MS. PRUITT: I'm sorry, Mr. Gottledge. You weren't  
sworn in. Were you? You weren't sworn in. You came in late. Do  
you swear or affirm to tell the truth?

23 MR. SIMON: I do.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. PRUITT: Thank you.

2 MR. SIMON: The Commission has considered the  
previous application and the commission has discussed the current  
application extensively but the Commission has no report on the  
current application.

6 MS. KING: The March 31st letter is now void. Is that  
it? 7

8 MR. SIMON: That had to do with Section 206 and  
this is now being considered under Section 210. The Commission  
became interested in the issue of a school versus a university and  
which the exact category the institution falls under.

12 MS. KING: Madam Chair, at the end can we hold the  
record open? I mean, clearly everybody would like to bring this to  
closure at the first meeting in July, which I believe is going to be the 6th  
of July or the 7th or something. Does that give the ANC time to weigh  
in with its opinion?

17 MR. SIMON: The Commission met last night and was  
aware of this hearing. The Commission voted  
-- the Commission received a recommendation from its Planning and  
Zoning Committee. That recommendation was not adopted and the  
Commission then did not take further action.

22 MS. KING: When will they met next?

23 MR. SIMON: September 14.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: So there really will be no input from the  
Commission?

3 MR. SIMON: Correct.

4 MS. KING: Okay. So there's no point in holding it  
open for them to give their opinion because they won't. Thank you.

6 MS. REID: Okay. No other Government reports?  
Persons and parties in support of the application. Mr. Schnipper?

8 MR. SCHNIPPER: Do I get up? Do I stay here?

9 MS. REID: You can stay there.

10 MS. KING: We need your name and home address.

11 MR. SCHNIPPER: My name is Harry Schnipper. I  
live at 1426 A Street N.E. However, prior to my most recent home  
purchase, I lived at 1331 D Street S.E., the property immediately  
butting this particular location.

15 I am a native Washingtonian, a 20-year veteran of the  
commercial real estate development here in Washington. I'm on my  
third property conversion. I followed the DCPS property disposition  
process diligently over the course of the past 25 months. I made  
specific recommendations along with the National Graduate University  
with respect to their acquisition and the property uses of this particular  
site. 21

22 It's a 55,000 square foot facility. To further  
emphasize, this was kind of a back-end approach to the purchase

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

itself. Imagine in your mind's eye for a moment 25 months ago when there were 57, 58 properties in the DCPS disposition. It was announced that this property happened to fall within the preferred four criteria that I personally prefer which are the size, location, condition and price of their particular purview.

6 They had an independent building fund. I analyzed their particular business procedure diligently during that due diligence process prior to the actual purchase. I fully believe that this site has debilitated over the course of the past 15 years. I lived in the property adjacent to this property for the 10 years prior to 1996 when I bought a home about five blocks away.

12 I do think aesthetically it's a very attractive campus. It certainly serves their purpose. From a size and condition quality it was one of the few small properties that actually fit their particular need. One of the properties, for instance, I'm developing right now in southwest is 155,000 square feet.

17 You've got to understand that when they out looking for a piece of property, it wasn't as though they could just simply find a vacant piece of land or a property that fit their particular size criteria. It was what was available within their price and a condition and a size that was affordable. I make those points.

22 I listened to a great deal of the comments and suggestions that have arisen this morning. I think that there is a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

possibility to include more parking if that was a consideration ultimately. The size of the site was commented by Mr. Bastida. Relative to its total lot occupancy, there is a parking lot in place presently. It could be expanded upon. We are just simply commenting and focusing on that particular size lot presently.

6 One of the things that draws this particular site a considerable amount of attention is because it's just outside the preservation or the historic district. I bought my property in particular because it didn't fall within the guidelines of historic properties.

10 I made considerable renovations to it. It's a 125-year-old victorian beauty just to the east of your plot plan. I personally foresaw that the property itself doesn't lend itself to a considerable amount of historic usage.

14 If you could remember in your mind's eye for those of us who date back far enough, this particular property, the Buchanan School itself only occupied the southern site on this plot plan. The northern site was not added on until the 1960's when there was a burgeoning school population that required it. Payne Elementary School is one block to the east. Blockton's, which is the historic hub cluster school, is to the west of it. We have schools within relative proximity.

22 It is zoned R-4. It does have a special use overlay for SP-E which is educational use, SP being the special purpose process

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

of which I'm sure you are all well aware. I think it falls within the purview of what was intended for the site from an historic point of view, from an occupancy point of view, from a condition point of view.

4 I think it fits all of the highest and best use for this particular site. I am a proponent of National Graduate University to occupy and develop this facility for their use and I want to go on record that way today.

8 MS. REID: Mr. Schnipper, were you the broker who was involved in the sale of the National Graduate University when it was purchased?

11 MR. SCHNIPPER: Absolutely not. I have absolutely no financial interest in this property or its development outside of the fact that it was abandoned by the school system and I would like to see another school turn it into a useful facility within my community.

15 I've been living in this community for 20 years and I've seen a decline. I was there at the height in the mid '80s when it was a fully occupied property. It finally fell into abandonment in about 1992, 1993. 18

19 Efforts over the course of the past five years or six years to get the District of Columbia to participate were in vain. Letters to Nadine Winters and subsequently Harold Brazil were in vain. We had lack of cooperation in the council. It finally fell upon the community and the immediate neighborhood to keep this property up

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

because it was abandoned by the public school system.

2 From the standpoint of esthetics it's very nice. It was actually landscaped well. The northern site along the 1300 block of D Street is well landscaped with forsythia. That's the good news. The bad news, of course, is that it hides a lot of the less than desirable elements that tend to congregate in that particular area.

7 Over the course of the past 12 months, as the acquisition was approved by the mayor and by the District of Columbia public schools, it has been kept as a model property within our community. The community no longer has to tend to the grounds on a regular annual basis as it had previously in the past. This property actually was sold outside of the DCPS brokerage sale process. No broker was a participate in this sell whatsoever. I provided only pro bono advice from the standpoint of counsel as far as its appraisal use and cooperated with the board of directors and Mr. Harps in that capacity.

17 MS. REID: Persons or parties in opposition to this particular application?

19 MR. SCHAUER: Madam Chair, for the record, my name is Lyle Schauer. I am the Zoning Chair, Capitol Hill Restoration Society. I reside at --

22 MR. CLARENS: Before you begin, it is your option but typically once we get to persons or parties they occupy the table

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

and the applicant moves from the table but he can testify --

2 MR. SCHAUER: I'm quite comfortable here. Thank  
you, Mr. Clarens.

4 MS. KING: Be sure to speak up, Mr. Schauer.

5 MR. SCHAUER: I will try. This case has been  
particularly difficult for us because of the trouble with trying to  
understand what the National Graduate University wanted to do, some  
of the same troubles that I see reflected in your questions here today.  
Although we appear in opposition, the opposition should be in quotes.  
We are opposed only because we do not understand very well what  
the plans are.

12 I tell you our major concern is traffic and we do not  
see a traffic study here and we think one is desperately needed. I am  
very concerned about the modal split that is assumed for the  
transportation that will be used by the students at this particular  
campus because the estimate is based on the experience in Arlington.

17 The experience on the Arlington campus has to be  
very different because the Arlington campus, as I understand it, is not  
a degree granting organization and it provides English as a second  
language and computer instruction mainly to people who are relatively  
new in this country who don't have an automobile, love Metro, can get  
off Metro and go to their class without any problem at all.

23 Now, this is a new venture for this organization, I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

would take it, to have a graduate component. Graduate students are going to be people who are, I assume, employed, many of them. Some of them full-time. Maybe many of them full-time. They are not going to want to mess around with Metro. They are going to want to come from their place of employment with a car and drive here, drive to the campus, park, and go to their class, and then get in their car to go home and they leave.

8 I don't think the modal split based on the Arlington experience is at all typical or should be applied. That's why we need a traffic study done by a competent individual who understands these problems. I am glad to see that classes are not imminent because at one time it was our understanding classes were to begin this fall. I am pleased to see they are not imminent so there is time to do some of these studies.

15 The final question I raise, and I don't actually know the answer to it, and that is the calculation of full-time equivalents. When I was a student many, many years ago the university had a rule for calculating whether you were a full-time student or not. You had to take 12 credit hours per semester. If you didn't, you were not a full-time student. I don't understand -- well, we had to go through class then 12 hours a week at a minimum. If somebody went for six hours, he would be counted as one-half student, one-half of a full-time equivalent.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 I don't understand the basis for the calculation here in  
the District of Columbia. Maybe it's different, but it seems to me that if  
you're calculating full-time equivalents, if you are basing it on 40  
hours, all your students are going to be part-timers because very few  
students go to school 40 hours a week. They will go 20 or 25 maybe if  
they are taking long lab courses. We're not talking about 40 hours.

7 The university because of this sets up certain rules. I  
assume then in evaluating these applications that this office would  
have some rule for what is a full-time equivalent and how is that  
defined. This is important because a number of students is a very  
important thing.

12 If in the future, in the next 10 years or five years, if  
this thing is in operation under your special exception, if the number of  
full-time equivalents, however that is defined, goes above the number  
that you set, whatever that is, say, for argument, 56 that appears in  
Chart A, if it goes above 56, this applicant will have to come back for a  
revision of the campus plan. I think it is very important that we  
understand the number of full-time equivalents and how that is  
calculated.

20 Finally, to get back to my original point, we need to  
know the number of students that are involved in it. I would guess you  
cannot set the number of students as opposed to full-time equivalents.  
I gather your orders are not written that way. We would be satisfied

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

with some specification of full-time equivalent but we want to know what it is so in the future we know whether they are adhering to it or not. 3

4 We would actually like if we could put in a maximum number of students period and forget this full-time equivalent stuff. The number of students that can be allowed in at a time because we have a better chance of assessing that as time goes on.

8 If there are no questions, I have finished my remarks.

9 MS. REID: Thank you, Mr. Schauer. Ms. Pruitt-Williams, is there to your knowledge a standard full-time equivalent calculation?

12 MS. PRUITT: In reference to zoning?

13 MS. REID: Yes.

14 MS. PRUITT: Not in reference to zoning but in reference to what Mr. Schauer said, most universities and colleges consider 12 semester hours full time.

17 MS. REID: I'm aware of that. I'm aware of that. However, it appears that we really can't use that as a yardstick because apparently different universities and schools have a different criteria by which they calculate the full-time equivalent.

21 MS. PRUITT: Typically the Board when they do campus plans does it on the number of students allowed regardless of full-time, part-time, half-time, or whatever, which is a big difference

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

than if one student is 1/40. Just keep that in mind. That means they would be limited to 56 students maximum.

3 MS. REID: We could get our arms around a number more efficiency that way. I think that has merit. What do the other Board members think?

6 MS. KING: Well, I agree with Mr. Schauer that the maximum number of students should be included in the order. The university is going to supply us with a basis on which they are going to determine full-time equivalents and we can play around with that.

10 I think it's true that some people will come for four hours a week, some will come for 20 hours a week, and others will come for other amounts of time. They are going to make a proposition and then we can make a determination based on that.

14 They are also going to do some kind of traffic study that will show how the people are going to get there and where they are going to be coming from and all of that. I think a combination of the two will give us an indication as to whether this is going to be too intense use.

19 But it certainly from all that we've heard today will be a less intense use, although they are going to provide the figure on this, than when this was a school that was wholly populated with D.C. public students.

23 MS. REID: Okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

1 MR. GILREATH: I think the number of hours a week  
on the campus is a good indicator. If it's 40 hours, to me that says  
eight hours a day, five days a week so the student would be on the  
campus those five days. Four hours a week would suggest no more  
than a half day so they would be there either morning, afternoon, or  
evening so they would be there a half-day period.

7 What we're concerned about here, I think, is the  
number of students there at any given time and the impact on the  
traffic and the parking and the impact on the neighborhood. If you say  
12 hours of credit courses, if a student could take that three days a  
week, I don't know whether that's possible but if it is, he's only there  
only three days a week. That means two days a week there is no  
parking needed for that student.

14 MS. REID: So you're satisfied with the full-time  
formula?

16 MR. GILREATH: I think the number of hours on the  
campus gives me a better indication of parking needs and so forth.

18 MS. REID: Okay.

19 DR. BOEK: Pardon me. We have those data in this  
chart here which answers your question, I think.

21 MS. REID: Given the fact that we were just presented  
with that particular submission in regards to this particular case, we  
have not had an opportunity to go through it thoroughly and others

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

probably have not seen it yet.

2 MR. GILREATH: I haven't had a chance to read it thoroughly. It was given to me this morning and I kind of thumbed through it.

5 MS. REID: There's a lot of data there.

6 DR. BOEK: We did file early but this table we just made up recently.

8 MS. REID: Was there any cross-examination for Mr. Schauer by the applicant? None? All right. Then we'll move now to closing remarks by the applicant.

11 MR. CLARENS: I have questions.

12 MS. REID: You have questions for the applicant?

13 MR. CLARENS: Yes.

14 MS. REID: Yeah. I do, too.

15 MR. CLARENS: Oh, okay. If you want to do closing remarks, that's fine. Go ahead.

17 MS. REID: You want to ask your questions before or after his remarks?

19 MR. CLARENS: Go ahead. I'm sorry.

20 MS. REID: Go ahead with your closing remarks. Oh, before you start your closing remarks, let me ask you this question, Mr. Boek. Have you had any complaints from any of the neighboring property owners or in the community regarding adverse impact as it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

pertains to your application once you posted your property?

2 DR. BOEK: No, we have the opposite. People have come over to tell us how pleased they were. One woman said it's a miracle to have you here. Last night an attorney who lives on Pennsylvania Avenue -- I had never met him before -- he told me he walks by every day and says there's improvement. There are fewer homeless people there now, alcoholics, than there used to be. He says what a wonderful improvement for the neighborhood. We've just had praises. We've never had any, that I know of, objections. They are all wanting us there.

11 MS. REID: Mr. Clarens, you want to ask your question now?

13 MR. CLARENS: Are those his final comments?

14 MS. REID: No.

15 Do you have any other remarks to make in your closing remarks?

17 DR. BOEK: Except that we do hope that we can move forward, particularly in our application for the authority to operate there as an educational institution. We can't do it until we get through this special exception and the occupancy permit. That will be easier because we just have to meet everything the inspectors wanted.

23 MS. REID: Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

1 DR. BOEK: Thank you very much.

2 MR. CLARENS: Well, Madam Chairperson, let me  
share with you the fact that I am troubled by this application. I'm  
troubled by it because I don't think this is a university. The regulations  
do not define a university as a defined use. In the lack of a definition  
within the regulations, the regulations refer to Webster's definition for  
a definition of words within the regulations that are not specifically  
defined.

9 I'm reading from the Webster's two new Riverside  
University Dictionary, blah, blah, blah, whatever. Maybe this is the  
wrong dictionary but it is a Webster dictionary. It says that, "A  
university is an institution of higher learning having facilities for  
teaching and research and comprising an undergraduate division that  
awards bachelors degrees and graduate and professional schools that  
award masters degrees and doctorates."

16 I'm having problems with this before us because this  
is not a university. This doesn't have an undergraduate division as far  
as I know. This grants certificates in language. Now we're talking  
about programs for which we have no curricula. We don't even know  
how many programs there are going to be. There are programs that  
are going to be in the making in the future. I don't even know that this  
is properly before us.

23 Having said that, I would like to request the applicant,

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

through you, to submit the following elements we have discussed before:

3 A budget that will satisfy this Board that the institution has the ability to maintain the building in a way that will not be detrimental to the community, and to run this operation in a way that it will not be detrimental to the community.

7 A statement as to the size of the endowment that will support essential operation as well as other incomes that will support the operation. A traffic analysis that will stipulate how people will arrive and depart from this operation.

11 A listing with detailed description of the programs and the time frame in which this institution intends to develop its programs together with outline of curricula.

14 And a minor detail but on which we have not touched upon, and that is that it appears to me, and we need clarification from the applicant, that the loading facility is undersize for this operation. Those are the requests that I would like to ask the Board to ask the applicant to submit.

19 MS. BAILEY: Mr. Clarens, would that be the revised campus plan?

21 MS. KING: No.

22 MR. CLARENS: No. Additions to. Additional information, not a revised campus plan. I think the only issue that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

would be necessary of revision would be the issue of clarifying the loading. It looks to me -- I don't know but it looks to me like it is inappropriate and I need to have a reading whether it is the applicant in collaboration with the Office of Planning establishment of the size of what is required and what is provided with precise square footage or distances both for the loading platform and the loading area.

7 It would also be convenient for the Board to have, although I am not necessarily pushing this issue but I think that it would be convenient to have an interior layout, simple as it may be. It might be a single line drawing that would describe the interior of the buildings and the proposed uses of the different areas including where the different divisions or areas of study would take place.

13 MS. REID: Mr. Boek, does the National Graduate University also confer doctorate degrees?

15 DR. BOEK: Has the National Graduate University?

16 MS. REID: Do you.

17 DR. BOEK: What?

18 MS. KING: Doctorate degrees, Ph.Ds.

19 DR. BOEK: That's in the future sometime. We don't know when but we would consider that because we do have requests for that but, you know, several years from now.

22 MS. REID: Mr. Clarens raised some very important issues. From the onset there was some confusion as to what type of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

relief actually you would fall under, the 206 or 210. The regulations are silent as to definitions per se of what, in fact, comprises the university. He read from Webster's Dictionary and in that definition it stipulates that there should be an undergraduate school and a doctoral program.

6 I don't know how closely we can follow that because of the fact that this is designated as a graduate school. A graduate school within itself by definition does not include the undergraduate component necessarily I don't think.

10 MS. PRUITT: I'm sorry. Could you repeat that?

11 MS. REID: I said that by virtue of the fact that this is a national graduate university, it would not include, I don't think, the undergraduate component because it's a graduate school.

14 MS. PRUITT: Most graduate schools to my knowledge are associated though with undergraduate universities themselves. They are separate but --

17 MS. REID: Be that as it may, typically with a university you have your undergraduate and you have your graduate but you don't have within the title of the university X Y Z Graduate University. That's where I'm a little bit confused because it states that this is a graduate university -- graduate school and, as such, I wouldn't think that you would necessarily have an undergraduate school with this. 23

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 I don't know if you would be required to. I don't think  
you would. I think that going with the definition of university under 210  
that there is a higher requirement. It's a stricter form of relief. If we  
can establish a compliance under that particular regulation, then I  
think we would be on safer ground. I think this is what we are all  
trying to get to with the request for the additional information that the  
Board is asking for. In addition to what Mr. Clarens has asked for, the  
Office of Planning had also requested it. Did you say traffic report?

9 MS. KING: Um-hum.

10 MS. REID: Okay. The traffic report, the landscaping  
plan. 11

12 MR. CLARENS: I don't care about that.

13 MS. REID: Office of Planning that you supply a  
landscaping plan and to show a comparison of the intensity of the  
previous use vis-a-vis the current utilization --

16 MS. KING: Or proposed.

17 MS. REID: -- or proposed utilization of the facility.  
Also the provision of a formula for your full-time equivalent by a  
university. I think that was -- was there anything else?

20 MS. KING: Nothing that Mr. Clarens hasn't  
mentioned in his request.

22 MR. CLARENS: I think that was it.

23 MS. REID: If you can provide the Board with that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

information which would then be analyzed. I would think we would be able to make a decision at our next regularly scheduled meeting on July 7. 3

4 MR. GILREATH: Well, it seems to me you may have opened up the possibility that if we determine if this more appropriately comes under the private school provision, that means we have to bounce it back. It was 206 before. He was advised, no, you can't do 206. You've got to do 210.

9 MS. REID: Right.

10 MR. GILREATH: Whatever we determine, I hope that we'll be fixed this time so he doesn't have to be bounced back.

12 MS. PRUITT: Well, Mr. Gilreath.

13 MR. GILREATH: Yes, ma'am.

14 MS. PRUITT: 210 is more restrictive than 206.

15 MR. GILREATH: I'm aware of that.

16 MS. PRUITT: If the Board decided that it is appropriate under 206, it would not have to be readvertised because you have advertised for the most restrictive zoning.

19 MR. GILREATH: So we could act on it further.

20 MS. PRUITT: You can always drop back but you can't go forward.

22 MS. REID: If it complies with the more restrictive 210, then we can assume that the 206 has been met.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. GILREATH: And wait for a decision either way.  
Okay. 2

3 MS. PRUITT: Madam Chair, do you want to put this  
on the agenda for the July 7th meeting. Is that correct?

5 MS. REID: Um-hum.

6 MS. PRUITT: Dr. Boek, we would need all the  
remaining information in the office by the 30th of June.

8 MS. REID: The things that were requested. The time  
line is it would have to be submitted by June 30. Does that appear to  
be agreeable to you?

11 MS. KING: With a copy sent to Mr. Schauer who  
is a party and to the ANC. Right?

13 MS. PRUITT: And if you would like you may also  
submit, the party and the applicant, a draft findings of fact and  
conclusions.

16 MR. HARPS: The main timing thing will be getting the  
traffic study in time. That depends upon how busy the different people  
who do it are.

19 MS. REID: That's a good point, Mr. Harps. We would  
have to determine based on what you tell us whether or not that gives  
you adequate time. Or, if not, we will have to adjust the time to  
accommodate you.

23 MS. PRUITT: The next time that the Board would be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

able to address it would be September 8.

2 MR. CLARENS: My recommendation would be that we schedule it for the July meeting and that if you feel that you cannot meet the 30th of June deadline, then you would inform the staff and then we can reschedule because it is a decisional meeting. It is not a hearing so it does not need advertisement.

7 MS. PRUITT: Correct.

8 MR. CLARENS: We don't need to advertise but we need to put it on the agenda for the July meeting and postpone it if they are not ready to submit. A traffic analyst just walked in the door.

11 MS. REID: Speaking of such. Now, Ms. Pruitt-Williams, on the hearing date, is it the third Wednesday?

13 MS. PRUITT: Yes.

14 MS. REID: Is it a possibility that we would be able to have that decisional meeting prior to the hearing that day?

16 MS. PRUITT: It is possible but we also have a very full agenda. We have nine cases so we'll be in the same situation we are now in the sense of --

19 MS. KING: I mean, we're now at 15 minutes before our afternoon time. We haven't had lunch and we've still got two morning cases to do.

22 MS. REID: I understand that but I would hate to postpone it until September if we could possibly do it before we recess

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

for the month of August.

2 MS. PRUITT: The other option is to come in the following and to have a special public meeting on the 28th and only deal with that or any other case that may be unresolved so that you can clean up everything before September.

6 MS. KING: Let's try and do it on the 7th of July. We understand it's a short time frame but, I mean, if you don't want to find yourself postponed for a decision until September, maybe you can try and do it by the 30th.

10 MS. REID: Or, in the alternative, perhaps if you would communicate with staff as to how you are progressing and what the realities are. Then if on the 7th of July we determine that it was not timely enough for you to be able to complete all the things that you were asked to submit to us in a timely fashion, then we'll consider trying to do it before we recess.

16 MR. GILREATH: If they can't meet the June 30th deadline, is there some kind of prohibition why we couldn't have a special meeting if there's a reason for it? In other words --

19 MS. REID: What you're saying is on July 28th we could perhaps come in and have that as a cleanup meeting for the cases that were perhaps delayed.

22 MR. GILREATH: So he has two choices. One is early July.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: If humanly possible it would be to your  
advantage to try to do that. If not, we'll have to make adjustments  
accordingly.

4 MR. GILREATH: The end of July then if you can't  
meet the initial deadline.

6 MS. REID: Try to. Does that sound like that's  
comfortable for you?

8 MR. GILREATH: Yes.

9 MS. REID: If there are no more questions and no  
more requests, then that will conclude this particular case and we'll  
call the second case of the morning.

12 MR. HARPS: Thank you very much.

13 MS. REID: You're quite welcome.

14 DR. BOEK: Thank you.

15 MS. REID: You're quite welcome.

16 The next case on the docket is 16449, application of  
Howard Lee Williams, pursuant to 11 DCMR 3108.1 for a special  
exception under Section 205 to continue an existing child  
development center with four parking spaces for 27 children ages two  
to four years and seven teachers, and a before and after school  
program for ages 2 1/2 to 12 years of age on the first and second  
floors in an R-5-A District at premises 2613 30th Street, S.E. (Square  
5643, Lot 27).

All those planning to testify, will you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

please stand and raise your right hand. Do you swear or affirm that the testimony you will give will be the truth?

3 MS. FORD: Yes. I do.

4 MS. PRUITT: Please be seated.

5 MS. FORD: My name is Shirley Ford. I live at 3381 Chester Grove Road, Upper Marlboro, 20774.

7 MS. KING: Madam Chair, could I ask you if there is anybody here who plans to testify other than the applicant? There's no one here in opposition?

10 MS. REID: As such -- give me your name again?

11 MS. FORD: Shirley Ford.

12 MS. REID: Mrs. Ford, the Board members have read your application and this is essentially an extension of a previous Board order which is getting ready to expire. Basically we can rest on your written submission because we have read it and just facilitate this really quickly.

17 MS. PRUITT: Is that made in the form of a motion, Madam Chair?

19 MS. REID: What? A motion to expedite?

20 MS. PRUITT: Or a motion to consider this based on the record.

22 MR. GILREATH: We need to go through -- there is the District of Columbia and the ANC. They are positive but we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

should identify them.

2 MS. KING: Not a motion.

3 MS. REID: No. We are just going to expedite it if you  
don't mind. Would you be agreeable to that?

5 MS. FORD: Yes.

6 MS. REID: Okay. Do you have any opening  
remarks?

8 MS. FORD: No. I'm just here to obtain --

9 MS. REID: To get your extension.

10 MS. FORD: -- my extension or a permanent status.

11 MS. REID: Okay. All right. Then let us take that up.

12 Ms. King, you have some comments?

13 MS. KING: I do. Now, you have 27 children during  
the day between the hours of -- you have 27 children some of which  
are between two and four years of age.

16 MS. FORD: Yes.

17 MS. KING: How many of those are there?

18 MS. FORD: Six.

19 MS. KING: Six?

20 MS. FORD: Yes, ma'am.

21 MS. KING: And they are there all day?

22 MS. FORD: Yes.

23 MS. KING: And then later in the day 21 additional

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

students would come in ages two and a half to 12 years?

2 MS. FORD: Yes. That's from 3:00 to 6:00.

3 MS. KING: I see. Now, are there seven teachers or  
10? It seems to me that both figures appeared in your --

5 MS. FORD: Now there are seven due to the fact that  
we only have six smaller children.

7 MS. KING: But is that seven bodies or is that seven  
full-time equivalent teachers?

9 MS. FORD: Okay. The teachers that are there with  
the six children is actually three. And then the other four comes on  
when the later group arrives.

12 MS. KING: So it's seven teaching individuals there  
during your hours when you are open. Is that correct?

14 MS. FORD: Yes, ma'am.

15 MS. KING: And you have four parking spaces --

16 MS. FORD: Yes.

17 MS. KING: -- on the property. Now, in the previous  
order there was something about replacing a chain link fence with a  
stockade or some kind of slats in between. Has that been done?

20 MS. FORD: That was done before I came to the last  
hearing.

22 MS. KING: But it was not done during the previous  
five years of your -- that was part of the original order. Was it not?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. FORD: Yes. And it had to be done before  
actually I came for the hearing.

3 MS. KING: So you figured that you had five years to  
implement it. Is that correct?

5 MS. FORD: No. We only had like a month before we  
actually had the hearing. It was done within --

7 MS. KING: It was done in 1994. Is that what you're  
saying?

9 MS. FORD: Yes, ma'am.

10 MR. GILREATH: I think she's saying prior to the  
hearing.

12 MS. FORD: Yes. We did.

13 MS. REID: She said prior to the hearing.

14 MS. KING: Prior to the hearing for five years ago?

15 MS. FORD: Yes, because when I went before  
Planning they asked me to.

17 MS. KING: Because some of the photographs -- I  
mean, the photographs that I got, of course -- do we have the original  
file? It looked to me as if they were still chain link fences. In fact, in  
the photographs that you took of your posting, it shows a chain link  
fence without anything on it.

22 MS. FORD: We were asked to only replace them in  
the back of the building, not the front.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: And here is a photograph of something called "back" that shows a chain link fence without anything in it.

3 MS. FORD: Okay. That's an old photo.

4 MS. REID: February 1999. You submitted an old photo for this particular application?

6 MS. FORD: No. The only thing that I submitted was the posting of the sign.

8 MS. KING: Mrs. Ford, do you see this photograph? This was part of your submission that came to us. It's on the 3rd of February, 1999. It says here we have front, here we have side, here we have back. We have a chain link fence with nothing on it.

12 MS. FORD: Okay. That was probably submitted in error but we do have the slats in because when the license people came out and Planning, they were already in.

15 MS. REID: You can submit us a corrected picture?

16 MS. KING: You can submit pictures of the stockade fence?

18 MS. FORD: Yes. I can. Actually, it's a chain link fence with the slats in it.

20 MS. KING: But clearly this photograph is labeled as being the back of the building. Is that the back of the building?

22 MS. FORD: Yes, but that's the old back. I can submit photos with the slats actually in it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: Okay.

2 MR. GILREATH: If you would, that will take care of  
the concern we have.

4 MS. REID: Are there any other questions?

5 MS. KING: How long have you operated this facility --  
this school?

7 MS. FORD: We've been there at least, I think, about  
13 years.

9 MS. KING: Thirteen years?

10 MS. FORD: Um-hum.

11 MS. KING: I have no further questions.

12 MR. GILREATH: Madam Chair, will you address the  
ANC concerns?

14 MS. REID: I'm coming to that.

15 MR. GILREATH: You're coming to that? Okay.

16 MS. REID: Have you had any complaints from any of  
your neighbors or any property owners regarding adverse impact of  
noise, light, traffic, parking, or any nuisance?

19 MS. FORD: No. I haven't.

20 MS. REID: Okay. All right. I have a question  
regarding the numbers that you had submitted. Mrs. King had asked  
and you could just briefly clarify the number of full-time staff members  
is seven, you say?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. FORD: Yes.

2 MS. KING: That's teachers and staff and  
administration?

4 MS. FORD: Yes.

5 MS. REID: There seems to me that I had seen in the  
application 12.

7 MS. FORD: That was what I had initially asked for in  
the beginning before I had the hearing and the license came out and  
said we were only licensed for -- with the space that we had we were  
only licensed for 27. I had asked for 60 children in the beginning with  
12 staff people.

12 MS. REID: But you had 27 children and seven staff  
people at the time?

14 MS. FORD: Yes.

15 MS. REID: And this is where --

16 MS. FORD: That's what was agreed upon when I  
came to the first hearing.

18 MS. REID: Okay. Government reports?

19 MS. KING: The Department of Public Works says  
that from a transportation point of view that DPW has no objection to  
the applicant's request for continuation of this present use.

22 MS. REID: Thank you. And Office of Planning.

23 MS. KING: None.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: I'm sorry. It was the initial order that had  
the report from the Office of Planning which was for approval. Also  
the ANC report, Mr. Gilreath.

4 MR. GILREATH: I simply said that Mr. Williams has  
maintained the property in such a manner as not to create a nuisance  
to the neighborhood. I find no reason to deny the application for  
continuance.

8 MS. KING: This is, incidentally, from an individual  
single member district commissioner and not from the commission  
itself. 10

11 MR. GILREATH: Okay.

12 MS. REID: There was no quorum and no vote.  
Right? 13

14 MS. KING: Apparently not. He makes no notice of it.

15 MS. REID: The only thing is that we make note of the  
submission by Mr. Potite, a single member district representative from  
6 -- which one is it?

18 MS. KING: No, 7B.

19 MS. REID: 7B.

20 MS. KING: 7B-04.

21 MR. GILREATH: Well, can't we infer those that the  
whole 22

23 MS. KING: No.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. GILREATH: They didn't respond at all?

2 MS. KING: The ANC didn't -- we have to give great  
weight when there is a properly noticed meeting, a quorum is present,  
and the majority of the commissioners vote. That is the law, Jerry.

5 MR. GILREATH: I understand. What I'm saying is  
the ANC did not respond. Just one individual member but he is at  
least equivalent to a neighborhood representative with personal  
knowledge.

9 MS. KING: Of course. Of course.

10 MR. GILREATH: So we have some input saying  
there was no problem as far as he was concerned.

12 MS. REID: Exactly. We both acknowledge that he  
did submit it in support of the application. However, because it was  
not the full body, it doesn't get the great weight. Since they did not  
submit anything, we basically assume that there was no objection to  
the application or they would let us know. All right.

17 Persons or parties in support of the application?  
Persons or parties in opposition to the application? Seeing none,  
closing remarks by the applicant.

20 MS. KING: Just say please.

21 MS. FORD: Please.

22 MS. KING: Madam Chair, I move that we renew this -  
- that we grant this application. I do not believe that it should be done

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

in perpetuity. I would like to discuss that, but first I would like to see if I can get a second for my motion that we approve the application.

3 MR. GILREATH: I second the motion.

4 MS. KING: Okay. I think permanent -- I mean, for one thing, for permanent is a long time and -- 6

7 MR. GILREATH: How long was it before?

8 MS. KING: It was five years.

9 MR. GILREATH: If she has done a good job for five years, is 10 years excessive?

11 MS. KING: No. I don't think 10 years is excessive at all but in ten years the child development center could have different management. It has been a success and they have caused no problems for five years under your management. But if the management changes, that will void the --

16 MS. REID: You'll have to come back.

17 MS. KING: They will have to come back or you, whatever. As long as the management and the ownership, which I presume is you, remains the same, I don't see any reason not to give them an extension of 10 years.

21 MS. REID: With conditions?

22 MS. KING: With the same conditions that existed previously.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: With the exception that we amended the  
conditions to reflect 10 years rather than five.

3 MS. KING: Yes.

4 MS. BAILEY: In addition to that the applicant is  
asking for before and after school program.

6 MS. KING: I'm sorry. I can't hear you, Beverly. You'll  
have to speak up.

8 MS. BAILEY: The applicant is asking for a before and  
after school program in the application. It mentions a before and after  
school program. I'm not sure if you want to mention that specifically  
as a condition in the order.

12 MS. REID: Well, I don't think we would have to as  
long as the hours are -- that the designated hours from 7:00 a.m. to  
6:00 p.m. daily and that the number of students don't exceed the  
amount that she requested.

16 MS. KING: Well, let's review this just to make sure.  
Approval shall be for 10 years. That's one. In two, The hours shall be  
from 7:00 a.m. to 6:00 p.m. Monday through Friday. The maximum  
number of employees shall be seven. No 10 or no differentiation, just  
seven

21 Enrollment shall be limited to a maximum of 27  
children between the ages of two and 12 years of age. Stagger the  
playtimes with the children's stays. The applicant shall maintain vital

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

slots in the chain link fence. We would like just for the record to have you submit a photograph of that.

3 MS. FORD: Okay. It will be done before Friday.

4 MS. KING: Four parking spaces. That's Section 8.  
Fine. Nine is provide bus transportation to pick up and drop off some of the children. That's fine. I presume you have continued to do that.

7 MS. FORD: Yes.

8 MS. KING: Ten, pick up and drop off the children by parents shall occur in front of the center. Keep that in. And trash shall be collected from the ally by trash collection agency as needed.

11 MS. REID: Okay. All in favor?

12 ALL: Aye.

13 MS. REID: Opposed?

14 (No Response.)

15 MS. REID: All right. You should have the summary order in approximately two weeks. However, prior to the order being issued, we are requiring that you submit pictures reflecting that the stockade fence has been erected there on the premises.

19 MS. KING: Or that the slats have been installed.

20 MS. FORD: That will be done by Friday.

21 MS. REID: Oh, the slats as per your previous Board order.  
22

23 MS. FORD: Okay. That will be done by Friday. I'll

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

take pictures today.

2 MS. REID: Okay. Very good. Thank you. That concludes your hearing.

4 MS. FORD: Thank you. So that's 10 years?

5 MS. REID: Ten years.

6 MS. FORD: Thank you.

7 MS. REID: Excuse us. We are going to take a five minute recess. We'll be right back. I'll hear the last case of the day and then we'll take a lunch break.

10 MR. GILREATH: We'll take the last morning case. Right?

12 MS. REID: The last morning case.

13 MS. KING: We're breaking for lunch now?

14 MS. REID: Right now we're just going off the record and we'll come right back.

16 (Whereupon, at 12:56 p.m. a recess until 1:05 p.m.)

17 MS. REID: We will now begin with the main case for the morning session.

19 MS. BAILEY: Application No. 16469 of Robert T. Chesley, Jr., pursuant to 11 DCMR 3107.2 for a variance from Subsection 2001.3(c) to allow an addition to an existing non-conforming structure and Subsection 403.2 for a variance from the maximum allowable lot occupancy requirements in the R-4 District at

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

premises 1224 Quincy Street, N.W. (Square 2902, Lot 123).

2 All persons wishing to testify please rise. Do you  
swear to tell the truth?

4 ALL: Yes.

5 MS. KING: Could we have the file, Beverly?

6 MS. REID: Go ahead. Your name and address.

7 MR. CHESLEY: My name is Robert T. Chesley and I  
live at 1224 Quincy Street, N.W.

9 MS. REID: Please amplify your voice because we  
don't have a microphone system.

11 MR. CHESLEY: I'll try my best. I've got a slight cold.

12 MS. REID: Go ahead.

13 MR. CHESLEY: I've prepared a statement. I've  
never done this before so I'll try to read from this as much as possible.

15 I come before the Board today to request variance  
adjustments for which will allow me to keep my garage. The garage  
was built in 1998. This may be a little different than your usual  
request. Please allow me to give you some background information  
on my situation.

20 When I bought the lot in 1971 there was a garage on  
the property which I had removed in 1976 due to its deteriorating  
state. After the garage was removed, I had the rear section of my  
yard paved and fenced. I regretted the day that the garage was torn

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

down because I'm what my wife refers to as a tinkerer. I like to build and repair things around the house and do different things to my vehicles and the kids' vehicles, etcetera. So for years after the garage was torn down I dreamed of one day having a nice garage and workshop. But due to the more important things of a family, I put those desires aside and saved my money in hopes of one day seeing that dream come true.

8 In 1997 after years of sacrificing and saving, I looked at my savings and realized that my children were grown, two of my three children had left home and gone out on their own. I felt I had the funds to have a garage built and I wanted it built before my eligibility for retirement in 1999. I'll be eligible for retirement on June 17 which is tomorrow. I have delayed my retirement plans until I get this matter and other matters settled in behind me.

15 In January of 1997 I drew a plan for my dream garage and workshop, contacted a structural engineer in the Department of Consumer Regulatory Affairs in the construction permit section who was nice enough to look at my plans and assisted me with the building code requirements and informed me of the construction permit procedures.

21 I then submitted my plans to various contractors for bids on building the garage and requested them to include in their bids the estimated cost they would charge to obtain a building permit if

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

their bid was selected.

2 I received three bids from three contractors and selected the contractor that gave a mid-level quote. My reason for selecting that bid was he had worked for other people in my neighborhood. I had seen some of his work. He was a 72-year-old fellow which I equated with correct craftsmanship and quality.

7 He took the time to explain what materials he would use and the quality of the structure that he would build. He then told me for a few hundred dollars more that he would obtain the building permit which would save me time and the trouble of trying to find someone to obtain it.

12 The contractor, Jr., George Jeffries of Jeffries Masonry Construction, started building the garage in the first week of April, 1997. By the second week of May '97 he can began putting the roof on the structure. I was very pleased with the quality of work and looking forward to the completion of the garage and the time I would be spending in it.

18 But to my horror on the afternoon of May 10, 1997, when I came home from work I found Mr. Jeffries packing his tools and equipment in his truck and cleaning the site. I asked him why was he doing so. He told me that a building inspector shut the job down due to the lack of a building permit. He then pointed to a sticker on the window of the garage which verified his statement.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 I then asked him why didn't he obtain the building  
permit. 2 His response was that he had given the information and a  
copy of the plans to a person he had used many times over the years  
for that type of service but he did not know what happened in this  
case. 5

6 He went on to say that he originally made the decision  
to start building because of his very tight schedule and kept on  
building thinking the permit would be obtained. I then asked him what  
he intended to do about completing the job. He told me to obtain the  
permit, call him after I get it, and he would be back.

11 I also questioned him about the money that I had  
given him which was all but \$1,000 of the agreed on price and the job  
was not near completion. The roof had to be completed. The floor  
and walls had to be done meaning pouring concrete, etcetera.  
He assured me that he would complete the job when I get the building  
permit. 16

17 I informed him that I did not have any experience in  
applying for a building permit, nor did I know of any person or  
company that provided that type of service. I asked him for the name  
of the person or company that he had been using to obtain the  
building permits for him. He told me that he did not have the person's  
name or phone number with him but he would call me later that night.  
Well, I never received a call and after repeated calls did I get anything

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

else from Mr. Jeffries.

2 On May 28, 1997, I went to the Consumer Regulatory Affairs and made an application for a construction permit at what I thought was the end of the process. I was told by the clerk that my application would be reviewed and I would be contacted and told when to pick it up. I was also informed at that time that the application be given to the BZA, this Board here, for variance hearing because of the size of the garage.

9 After repeated calls and trips to the Consumer Regulatory Center during the remaining months of 1997 and receiving numerous responses such as, "We're backed up with nearly six months work load. The person that could give you an answer to your question is not in the office today.

14 You must understand that we are being reorganized and you'll have to wait," I finally made the decision after seeing the materials and the things in my yard and the construction materials going to hire another contractor to try to obtain the permit and to finish up the structure. That was in January of 1998.

19 However, I was constantly worried what future problems I would encounter for now having the building permit. On February 3, 1999, part of my worry was answered in the form of a certified letter from the Consumer Regulatory Affairs, Construction and Inspection Branch. There was a violation notice which basically

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

informed me to apply for a construction permit within 15 days or the notice would be forwarded to the Office of Compliance for Enforcement Action.

4           Upon receiving the notice I called the inspector of that issue, the notice to Mr. Anton, and informed him that I had made an application for the permit back in May of 1997 and was told I would be contacted after the application was reviewed.

8           I had made many calls and went down there numerous times and to no avail. I then asked him what could be done to speed up the process. What more could I do to obtain the permit and what actions could be taken to avoid being fined. Mr. Anton referred me to his supervisor, Mr. Vincent Ford, and he informed Mr. Ford of my situation.

14           Mr. Ford referred me to Ms. Jill Dennis. Over a six-day period I made numerous calls to Ms. Dennis' office but was told she was not in and numerous other things such as, "She has your message. She will call." Etcetera, etcetera, etcetera. On or about the seventh day after receiving the letter, I became frustrated and called the mayor's office. I told the person at the other end of the phone of my situation. The person that I spoke to assured me that I would be contacted. Sure enough I was contacted the next day by Mrs. Jill Dennis.

23           After explaining my situation, she told me that she

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

would look into the case and call me back. The following day Ms. Dennis did call and informed me that my case was lost. My application was lost but she would have it looked into a little more and contact me within a day or so.

5 On May 10, 1999, I received a call from Ms. Epps over at Construction and Permit Applications Branch. She informed me that my application was found and I could pick it up the next day. On March 11 I did pick up the application which brings me to this hearing today. After picking up the package and bringing it here, I felt that I had done everything that I needed to do.

11 I would just like to say to you folks I have enjoyed having the garage for approximately 16 months. I really love it. I believe it is a well-built structure. I was told by Mr. Anton when I asked his opinion of the structure -- Mr. Anton is the D.C. inspector that originally shut the job down and issued the notice -- that he did not see any problems with the materials or the construction. The only problem was I did not have a permit and it would have to be inspected.

19 I have received numerous compliments in support from my neighbors, the ANC council of Ward Four. I have been told by some of my neighbors that our ANC councilman, Mr. Willard Flowers, that they have sent letters to this Board. I have not seen them. I have only been told that they did send letters here. I hope

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

that they did in support of my variance request.

2 One of my neighbors has even taken the time to show support. That is Ms. Zenobia Holbrook who is with me today. The last part of my statement is, folks, I understand that the variance that I am requesting you to approve is for a structure that exceeds the 60 percent limit by approximately 62.78 square feet which amounts to an area that measures less than eight feet square or approximately five percent over the allowed limit.

9 Since this matter occurred, I have taken a look at many other structures in and around the neighborhood and have found they exceed the limit of 60 percent by much greater measure than the total structure on my lot. Some structure occupy in excess of 90 percent of their lots. Some do not have a back yard or small yard.

14 Nevertheless, I understand that these are rules and regulations and my trusting of people in being somewhat naive do not give me an exception to those rules. I only ask that every consideration possible be given towards approving this application and assist me in saving my dream.

19 MS. KING: May I ask, the work was partially done and there was a stop work order but it is not completely done.

21 MR. CHESLEY: Yes. Correct.

22 MS. KING: So knowing that you did not have a building permit you went ahead and completed the building?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. CHESLEY: Correct.

2 MS. REID: Why?

3 MR. CHESLEY: As I stated in here, this was approximately nine months after the stop work and after going back to the Consumer Regulatory and the materials in my yard, you know, for the construction of the building was going bad and some had gone bad such as the concrete and stuff like that and some of the wood that they were going to use for the roof went bad and going back and forth.

9 I don't want to get anybody in trouble but, to make a long story short, talking with some of the officials they are trying to find out what was going on and what happened since we were talking about 1997 and this was from May of '97 to January of '98 before I made the decision. Again, I don't want to get anybody in trouble so I won't mention any names. I was receiving all kinds of complaints not only from my neighbors immediately there but the area back there at the back of my house --

17 MS. KING: Is this a preview to saying that somebody at DCRA told you to go ahead and build it?

19 MR. CHESLEY: They told me to do something to cut down. 20 Let's put it that way.

21 MS. KING: To do what?

22 MR. CHESLEY: To do something to cut down the complaints and the materials that were back there going bad, etcetera.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

The place was being used because it was open. It was being used as a dump by some of the folks in the neighborhood or whoever. Human dump, this, that, and the other, as well as animals and a number of different problems. As well, when we had heavy rains the erosion would wash out the alley and the neighbors were complaining about that. I did everything I could to try to control it.

7 MS. REID: Mr. Chesley, you applied for -- a  
contractor applied?

9 MR. CHESLEY: He told me but I am sure he misled  
me because there was no -- when I checked before I put in the  
application in May of '97, I could not find anything, nor could anyone  
else find any application for a permit.

13 MS. REID: Okay. Prior to his commencing on that  
particular job, you said that there had been a garage there some years  
ago. 15

16 MR. CHESLEY: Yes.

17 MS. REID: And you tore that one down.

18 MR. CHESLEY: Yes, ma'am.

19 MS. REID: And you then put in a cement pad?

20 MR. CHESLEY: Yes. It was brick and cement.

21 MS. REID: What was that cement pad for?

22 MR. CHESLEY: For off-street parking. I live in a  
crowded neighborhood. There are pretty established folks in our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

neighborhood who own two or three cars per house and parking is very difficult so that's what that was used for.

3 MS. REID: You took down the garage and you put the cement pad there in the footprint of where the garage had been?

5 MR. CHESLEY: Across the whole entire back. Understand that I live in a townhouse community and the garage occupied 2/3 of the property in the back. It had a section where you could walk around the older garage that was removed. When that garage was tore down, whether than just have a grassy walkway, we paved all the way across.

11 MS. REID: So you had a walkway that came up on the side of that existing garage. Is that what you're saying?

13 MR. CHESLEY: Yes.

14 MS. REID: All right. So then when you decided to have a new garage built, that was being built on the footprint of the pad that you put there when you tore the original garage down? I'm sorry. Except for the fact that you extended it over the walkway.

18 MR. CHESLEY: Partially over the walkway. We still have a walkway there. I don't know if you have the plans or any other drawings there, but there is still a walkway there that is approximately two foot wide on the side. The new garage does take in all of the old footprint of the old garage that was there as well as about a foot or so more onto the left of it. In length it is longer.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: That area that you're mentioning, that was  
on the side. You said a grassy area but was that a walkway? Was  
that the area  
that -- 4

5 MR. CHESLEY: No. Originally when I bought that  
house it was just, I guess, what you could call a walkway but it was  
not paved. It was just grass.

8 MS. REID: Okay. Was that the area that was used to  
get from the rear of the premises past the garage through the yard to  
get to the house?

11 MR. CHESLEY: Correct.

12 MS. REID: If you were taking the trash out, is that --

13 MR. CHESLEY: Yes. It was brought by the side of  
the garage which we still have.

15 MS. REID: All right. That's what I wanted to  
understand. This is a rather unusual case. Okay. Now, got work  
order and then you went to the DCRA several times and tried to get  
some resolution to getting a work order -- getting a permit.

19 MR. CHESLEY: Permit. I made the application. I  
have everything here if you would like to see it.

21 MS. REID: And you couldn't get the permit. Well, you  
couldn't get any cooperation or something?

23 MR. CHESLEY: No. I made the application. They

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

took the application, took the money, and the whole nine yards. They said their procedures is that the application for a permit would have to be reviewed. So from May of '97 until just a few weeks ago I've gone back and forth and back and forth.

5           They told me that the application was lost. Well, I didn't find that out until after calling the mayor's office and saying, "Look, I'm about to be fined," etcetera, which I have that notice. I have everything with me today.

9           From that time in May of '97 at the time of the -- how do you put it? -- the stop work order I made application the following few weeks. I've got everything. I have that application with me, which I believe you may have there also, with the dates on it. I was just in limbo. I just went to different folks there, called different folks and got various answers. "We are under reorganization." "The person who could answer your question is not here." A number of different things that did not help.

17           MS. REID: And so after these several attempts and due to your frustration level, you then decided to -- and also in the interim you were getting complaints from your neighbors and also inspectors were coming by. Did they actually fine you or they just threatened to fine you?

22           MR. CHESLEY: Threatened to fine me.

23           MS. REID: So you decided to take it upon yourself

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

just to go ahead and complete the garage?

2 MR. CHESLEY: So we could close it off. Yes. That's what I decided because the original contractor was a masonry contractor. He had built all the walls, put the windows in and everything. He did not put the concrete in and there was not a door.

6 MS. KING: The concrete floor you mean?

7 MR. CHESLEY: There was no concrete floor in.

8 MS. KING: What was the concrete for?

9 MR. CHESLEY: It's a garage so, you know, it would be for the driving the vehicles on.

11 MS. KING: But I thought you had a pad back there. You said you had paved.

13 MR. CHESLEY: Originally we had paved it over after we tore down the old garage. This was a large structure.

15 MS. KING: So you built the walls but hadn't poured the floors?

17 MR. CHESLEY: Correct.

18 MS. KING: And he put on the roof?

19 MR. CHESLEY: He started to put the roof on. He had only put -- what do they call them? -- the rafters.

21 MS. KING: The joists.

22 MR. CHESLEY: Joists that go across and the plywood. When I came home from work on May 10 and they had the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

stop work order, then that stuff deteriorated from all that time.

2 MS. PRUITT: Excuse me, Mr. Chesley. Just for clarification, you had the plywood and the sheeting but you did not actually have shingles on your roof?

5 MR. CHESLEY: There was no sheeting either. It was just the plywood and the joists.

7 MS. PRUITT: So there was no water-proofing membrane or anything?

9 MR. CHESLEY: Yes, ma'am. Nothing.

10 MS. PRUITT: Thank you.

11 MR. CHESLEY: And there was no door in the front.

12 MR. GILREATH: The people who came by and said that there were difficulties, I guess, erosion or what have you, did they simply say do something about it or did they say go ahead and finish the project, the garage?

16 MR. CHESLEY: The complaints that I got was from neighbors and one inspector.

18 MR. GILREATH: What did the inspector say? Did he just say clean this up?

20 MR. CHESLEY: That was the main problem. He had received complaints. Then someone from the D.C. Public Works told me that "You have to keep your place clean. I'm sorry that you've gone through this." This, that, and the other.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1           Quite naturally I would go out there and sweep it up,  
clean it up, and try to put a board whenever it really rained to keep the  
soil from washing into the alley, etcetera. But I had no way of  
controlling folks from coming in there and dumping trash and the  
animals and doing some other not so nice things.

6           MR. GILREATH: These D.C. inspectors or officials,  
they never specifically told you to correct this problem, "Why don't you  
just go ahead and finish it off?" Did you ever get anything to that  
effect? 9

10          MR. CHESLEY: I don't know how to answer that. If I  
answer that, I'm going to get somebody in trouble.

12          MR. GILREATH: We don't need to know. It can be  
anonymous. It can be some unknown D.C. official known only to you.  
We don't have to know as far as I'm concerned. To me, if they told  
you that --

16          MR. CHESLEY: Well, an official did tell me, "Look. I  
know what you're going through. I hear this complaint all the time. My  
advice to you (after my appeal to him) is do something. I'm not telling  
you what to do."

20           I asked him if I was to complete this unit, have the  
contractor put on the electric door, have the other person come in to  
finish the roof, this, that, and the other, would I get in trouble. He said,  
"I can't tell you whether you will or won't but you're having problems. I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

understand that you put in for the permit." This, that, and the other. "I understand that they can't find it or whatever the problem is. That's about as far as I'm going to go."

4 MS. REID: Mr. Chesley, your application is for a variance and for a --

6 MS. PRUITT: Both variances.

7 MS. REID: Two variances. Right. Now, are you familiar with the test for a variance?

9 MR. CHESLEY: Not totally. I believe I have a fair grasp of it. I got a copy from the place next door of the variances and read them. You can correct me if I'm wrong but, from what I understand, the size of the garage, which is 17 by 24, with the other structure being the house itself, cannot exceed 66 percent of the total property or the total lot. In this particular case because the garage was larger than the older garage, it exceeded it by approximately eight foot square which put it in the range of -- I think I might have that from next door -- approximately --

18 MS. REID: That is in regard to the occupancy but a variance, the relief that you are requesting, you must make a case for meeting a burden of proof for three tests. The first test is it has to be something unusual or unique about the land of your property that would cause a difficult for you to be able to comply with existing zoning regulations. That's test No. 1.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. CHESLEY: Well, to be honest with you, I don't know anything about that. When I came to get the information no one told me

4 MS. REID: You were not apprised as to what, in fact, the procedure was and what would be required of you when you came here today?

7 MR. CHESLEY: No. The only thing they gave me was the --

9 MS. REID: Is there anything unique or different or unusual about the property?

11 MS. KING: Is it similar to all the other properties? I mean, you say --

13 MR. CHESLEY: Yes. There are other structures larger within two doors of me that have a two car garage that takes up just about all of the backside.

16 MS. KING: And when was that built?

17 MR. CHESLEY: Oh, that was built I would say somewhere in the late '20s or early '30s.

19 MS. KING: That was before the zoning.

20 MR. CHESLEY: Probably so. I went around to other areas of my neighborhood, which I live at 1224 Quincy Street.

22 MS. KING: In the block that you live in, are all of the plots the same size and all the houses the same size more or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

less? I don't mean precisely.

2 MR. CHESLEY: The houses are about the same  
size. The lot size with the exception of the house on the corner if 10,  
understanding that there is no 1000 or 1100 block. It just goes from  
10 to 12. At the end of my block at the corner of 10 they have about  
the largest lot size. Mine is in the middle which is the largest. The  
alley runs like a bow or a half moon. It jets out so I'm like dead in the  
middle of the block so my lot would be one of the largest.

9 MS. KING: One of the larger?

10 MR. CHESLEY: Yes, ma'am.

11 MS. REID: We don't have a map to kind of get a gist  
of that but how wide is your lot?

13 MR. CHESLEY: The lot itself is approximately 19. It's  
18 -- 14

15 MS. PRUITT: 18.9.

16 MR. CHESLEY: Yes. Okay.

17 MR. GILREATH: Well, his property is a non-  
conforming structure.

19 MS. KING: Practically everything in the District of  
Columbia is non-conforming.

21 MR. GILREATH: He had built a replacement garage  
of a smaller scale. He still would have to have gotten a variance even  
if the allowable lot occupancy is to smaller scale.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: What he has done is he built a garage  
complete with a workshop. Is that correct?

3 MR. CHESLEY: Correct.

4 MS. KING: It's not just a structure to house his car.  
He has built a structure large enough to also house a workshop.

6 MR. CHESLEY: Well, not really. It's just a garage but  
I want to use it --

8 MS. KING: But it's larger than the garage. Is it more  
or less than eight square feet? I mean, if it were --

10 MR. CHESLEY: The part that goes with the  
variance?

12 MS. KING: If this structure were whatever it is  
smaller, if you did not have to have a variance. In other words, if you  
weren't 15.5 percent over the law of occupancy, could you still have  
had a garage?

16 MR. CHESLEY: Oh, no. Not for modern cars unless  
I had a foreign car and I don't have foreign cars. I drive a Jeep  
Cherokee and a full-size Blazer.

19 MS. KING: So you built a two-car garage.

20 MR. CHESLEY: Ma'am --

21 MS. KING: You built a two-car garage that is also a  
workshop?

23 MR. CHESLEY: Well, you can fit two in there but you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

don't have no walking space. I can jam two vehicles in there but it is basically an expanded one-car garage.

3 MS. REID: Ms. Pruitt-Williams.

4 MS. PRUITT: Yes.

5 MS. REID: Let me ask you something in regard to the non-conforming aspect of this particular property, the non-conformity is the result of the garage that was there before?

8 MS. PRUITT: No. With non-conformity a lot is based on what the zone calls for as Mrs. King stated. Most lots in Washington are not conforming lots because the zone calls for a much larger square footage. Mr. Chesley could have replaced his previous garage in the existing footprint without coming here but he's expanded it.

13 MS. REID: The footprint before.

14 MS. PRUITT: The previous footprint.

15 MS. REID: He had a footprint for the garage and then

-- 16

17 MS. PRUITT: It would have to be the footprint for the garage. Not the footprint for the -- 18

19 MS. REID: For the pad.

20 MS. PRUITT: -- for the pad. No. Now, typically today under architectural standards parking spaces are 20 feet long

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

by 10 feet wide. His overall lot is 18.9 so it really wouldn't accommodate two cars under the architectural standards.

3 MS. REID: Okay. Let's go to the second test. We'll come back to that. The second test goes to adverse impact as to whether or not there is any adverse impact as a result of your application being granted. Have you had any complaints from any of the adjoining property owners regarding the fact that that garage has been built due to traffic noise, light, parking, or any other nuisance?

9 MR. CHESLEY: No. Everything has been favorable because I was able to, one, park the vehicles in the garage and that would alleviate traffic on the street or parking on the street. That's one. All of my neighbors have been very nice and gave me numerous compliments, as well as the ANC council.

14 MS. KING: We have nothing on record except that today we received a handwritten letter from Roslyn Brown at 1220 Quincy-

17 MR. CHESLEY: Yes. That's the lady two doors up.

18 MS. KING: -- saying that she has no objection. Other than that, we have nothing at all.

20 MR. CHESLEY: Nothing from Mr. Flowers and nothing from any other neighbors?

22 MS. KING: Nothing.

23 MS. REID: I guess we can conclude that there is no

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

adverse impact.

2 MR. CHESLEY: No. Everyone in my neighborhood  
has spoken very highly and gave me compliments on it. That's just  
one more thing to help bring the neighborhood up and keep the  
standards up in the neighborhood.

6 I do have one of the neighbors who lives right across  
from me, Ms. Holbrook here which she is active in our community  
also. 8

9 MS. KING: Should I be part of this conference?

10 MS. REID: Just one second, please. All right. Any  
Government reports?

12 Have you concluded your presentation?

13 MR. CHESLEY: Yes.

14 MS. REID: I would like to have a copy of your  
testimony, please.

16 MR. CHESLEY: You want me to write one?

17 MS. PRUITT: Madam Chair, we can leave it open if  
you would like to have someone come back.

19 MR. CHESLEY: Could I have someone copy it or go  
next door?

21 MS. PRUITT: We can do that for you.

22 MR. CHESLEY: Oh. Okay.

23 MS. REID: Any other questions?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. CHESLEY: Should I approach?

2 MS. KING: What was Sheri whispering to you?

3 MS. REID: So --

4 MS. KING: You know, I think that it would be useful,  
Mr. Chesley, if we were to have copies. I think we should hold the  
record open for this. I would like to see -- you mentioned a great  
many documents that you had.

8 MR. CHESLEY: And I have those.

9 MS. KING: I think those should become part of the  
record before we make our decision in this case.

11 MS. REID: I would agree.

12 MR. CHESLEY: When you say documents, I thought  
-- 13

14 MS. KING: Copies of contracts if you've got a  
contract that says that your contractor was going to get your permit.

16 MR. CHESLEY: That was not in the contract.

17 MS. KING: You're talking about a two-year period.

18 MR. CHESLEY: Um-hum.

19 MS. KING: Um-hum. I mean, the stop work orders,  
copies of your application, copies of any correspondence, any notes  
that you have that would substantiate the story. I mean, at the  
moment what we have is a situation where you've got a stop work  
order, you paused for a bit, and then you finished the structure without

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

having a building permit once you became aware that you lacked a building permit. I would like to be able to look at something. There is nothing unique or unusual about your piece of property.

4 As you pointed out, you probably have a larger lot than some of the people who live down on the corner of 10th Street. You know, we need to -- you need to bolster your testimony with as much documentation. Names of people that you've talked to. Dates on which you talked to them and so forth.

9 MS. REID: Do you have the contract that you signed with the original contractor?

11 MR. CHESLEY: I believe I can locate that.

12 MS. REID: It doesn't have to specify that he was actually going to get the permit. That's a given.

14 MS. KING: Well, no it's not a given because I have always gotten my own because I didn't want to trust anybody else to do it. 16

17 MS. REID: Now, when I say that, even notwithstanding the fact that if it doesn't exactly specify that I will go and get a permit --

20 MS. KING: Still, no responsible mason or builder should start work unless there is a building permit.

22 MS. REID: Absolutely.

23 MS. KING: Anything that you can do to substantiate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

your claim that you were an innocent party in this you need to produce.

3 MR. CHESLEY: Okay.

4 MS. REID: Was he a licensed contractor?

5 MR. CHESLEY: That I don't know. I can't say that.

6 MS. REID: That would be on his contract. It would have to have his license number.

8 MR. CHESLEY: As far as the contract, to be honest with you, this fellow did not have like a letterhead type stationery or company contract. He was a person who was working in the neighborhood that tore down a garage a couple of doors down from me and did some masonry work for folks on the street adjacent to me, as well as some on the same street. He took me to show me some work that he had done once he was considered for the bid in the various areas in the city along M. Street N.W. and etcetera.

16 MS. REID: That's part of the danger --

17 MS. KING: But you --

18 MS. REID: Just a moment, please. That's part of the danger of employing an unlicensed contractor to work on your property.

21 MS. PRUITT: Excuse me. Mr. Chesley, when did you actually submit to DCRA your request for a permit and then they sent to zoning?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. CHESLEY: That was in '97 and I have that with  
me. 2

3 MS. PRUITT: Could I see that?

4 MR. CHESLEY: Sure.

5 MS. PRUITT: My question is there's been some  
revisions since then that would possibly allow you to come in under  
special exception. 7

8 MS. REID: It would be much easier for you.

9 MS. PRUITT: It's much easier. It was probably  
between the time the old rule was there prior to the new regulation  
coming into play.

12 MS. KING: Since we have not had lunch and it's  
almost 2:00, our 1:00 cases are here. Do we need to hold the record  
open and say we will make a decision in July?

15 MS. PRUITT: I suggest we do that. That was going  
to be my suggestion. In fact, I would suggest that Mr. Chesley work  
with staff to see if that is a viable option for him and then have him  
support that information.

19 MS. KING: Should we hold this open until our next  
meeting? 20

21 MS. REID: Yes.

22 MS. PRUITT: Except for that additional information.

23 MS. KING: Let's just hold it open because we may

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

want Mr. Chesley to come back and answer some questions based on whatever he submits. At the moment it doesn't look good.

3 MS. REID: So perhaps we should continue this case.

4 MS. KING: Let's continue it.

5 MS. REID: In your best interest rather than for us to decide this case as it is, we can leave it open to continue the case to another time and give you the opportunity to go back and do some leg work and get your ducks lined up. Also determine whether or not there's a possibility that you may be able to request a special exception which is much easier than a variance. A variance is the most difficult type of relief that you can apply for.

12 MR. GILREATH: And with the initial contractor if there is any kind of paper, any kind of note or anything, that would be useful information too.

15 MS. PRUITT: Madam Chair, when do you want to continue this to?

17 MS. REID: What day is available?

18 MS. PRUITT: I mean, all of our days are filled.

19 MS. REID: Then I think we had talked about the 20th of July

21 MS. PRUITT: That you hadn't determined. That is available because it's not a typical hearing day so, yes, there's nothing scheduled if you would like to schedule a continuation special public

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

hearing.

2 MS. KING: For this case?

3 MS. PRUITT: That's what I'm asking.

4 MS. KING: No, the 21st of July.

5 MS. PRUITT: The 21st is a regular hearing day. You  
have nine cases on that agenda already.

7 MS. KING: Well, then we can't do it until September.

8 MS. PRUITT: That's my question.

9 MS. KING: Listen. If we're going to make him tear it  
down, he's doesn't want to hear that from us for a long time so you  
don't mind if you don't come back until September?

12 MR. CHESLEY: No.

13 MS. KING: This is one time when he is not in a hurry  
to get a decision from us.

15 MS. PRUITT: We'll put him on for September 7.

16 MS. REID: Confer with staff and they will help you.

17 MR. CHESLEY: September 7? Will someone be  
notifying me from here?

19 MS. REID: No.

20 MS. PRUITT: September 8.

21 MR. CHESLEY: September 8?

22 MS. PRUITT: Yes. And it will be in the afternoon.

23 MS. REID: 1:00.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. CHESLEY: And there should be advice from  
these documents to be submitted prior to the meeting what the  
deadline is?

4 MS. KING: Absolutely. Everything you can get  
together.

6 MR. CHESLEY: And where do I go when I leave  
here? 7

8 MS. PRUITT: Actually, Mr. Nyarku is the project  
manager.

10 MR. CHESLEY: Who?

11 MS. PRUITT: Mr. Nyarku. Here he is. He can help  
you. We have the new provision under Section 223.1.

13 MR. CHESLEY: 223.1?

14 MS. PRUITT: We have a copy for you, Mr. Chesley.

15 MR. CHESLEY: Okay.

16 MS. PRUITT: If you can contact Mr. Nyarku,  
hopefully he can help guide you through the process.

18 MR. CHESLEY: Okay. I'm a little bewildered. The  
applications and everything that they told me over at the -- what do  
you call it? -- the Construction Permit Branch. The lady next door took  
copies of all of that as well as the application for the hearing. Quite  
naturally I paid my money and everything. You're telling me you don't  
have any of that?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: But work with Mr. Nyarku.

2 MS. PRUITT: We have that on file, sir.

3 MR. CHESLEY: Oh, you do?

4 MS. PRUITT: Yes.

5 MS. KING: I mean, what you need to do is to -- I  
mean, what we have now is something that had once been lost? Was  
that it? 7

8 MR. CHESLEY: Yes.

9 MS. KING: Does it have the original stamp on it?

10 MR. CHESLEY: Yes.

11 MS. KING: And that shows on our copy?

12 MR. CHESLEY: It should. If not, I take it with him  
and let him show it.

14 MS. KING: Check it all with John to make sure.

15 MS. REID: Okay. We will now adjourn.

16 (Whereupon, off the record for lunch at 1:48 p.m. to  
reconvene this same day.)

18

19

20

21

22

23

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1

2

3

4

5

6

7

8

9

10

11

12

13 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

14 2:24 p.m.

15 MS. REID: The hearing will please come to order.

Good afternoon, ladies and gentlemen. This is the June 16 public hearing of the Foreign Missions Board of Zoning Adjustment of the District of Columbia. Joining me today are Vice Chairperson Betty King and John Parsons is representing the National Park Service.

20 The topic of today's hearing agenda are available to you. They are located to my left near the door. Please be aware that this hearing is recorded electronically. Well, actually this is not today. Oh, we do have a recorder. I'm sorry. Our speaker system is not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

operating properly so we have to speak loudly, everyone.

2 We ask you to refrain from making any disruptive noises or  
actions in the hearing room.

4 If you desire to give any information to the Board, do  
not speak from the audience, but rather come forward to the  
microphone. Speak loudly. State your name and home address and  
then proceed to make your wish known.

8 All persons planning to testify either in favor or in  
opposition are to fill out two witness cards. These cards are located  
on each end of the table in front of us. After we finish this statement,  
please proceed to pick them up, fill them out so that when your case is  
called, you will have them ready to hand to the recorder.

13 When coming forward to speak to the Board, please  
give both cards to the recorder who is sitting to my right. When  
seated at the witness table, please give your name and home  
address. I repeat, please give your name and home address and  
business address. After this you may proceed to give your testimony  
or statement.

19 Agenda for a Foreign Missions case will proceed as  
follows: 20 Statement of witnesses of the applicant, Government reports,  
Secretary of State and the Office of Planning on behalf of the mayor,  
reports or recommendations by other public agencies, reports of ANC  
in which the property is located, persons in support of the application,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

persons in opposition to the application.

2 The record will be closed at the conclusion of each case except when specifically requested by offeror or accepted by the Board. 4The Board and its staff will specify at the end of the hearing exactly5what is expected and the date when the persons must submit the evidence to the Office of Zoning.

7 The Board has instructed the staff to return any materials received as corrected to the person who submitted it. The decision of the Board in this legislative proceeding must be based exclusively on the public record. To avoid any appearance to the contrary, the Board request that persons, counsel, and witnesses not engaged with members of the Board in conversation during any recess or at the conclusion of this hearing session. While the intended conversation may be entirely unrelated to any cases before the Board, other persons may not recognize that it's not about a case. The staff will be available to discuss the procedural questions.

17 Please turn off any beepers or cell phones so as not to disrupt the proceedings. At this time the Board will consider any preliminary matters. Preliminary matters are those which relate to whether a case will or should be heard today such as request for postponement, continuance, or withdrawal, whether proper notice of the hearing has been given. If you are not prepared to go forward with the case today or you believe that the Board should not proceed, now

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

is the time to raise just a matter.

2 Any preliminary matters? Do the staff have any preliminary matters?

4 MS. PRUITT: No, Madam Chair.

5 MS. REID: Okay. Then please call the next case.

6 MS. PRUITT: Case No. 16456, application of PrimeHealth Corporation on behalf of the Embassy of the Republic of Angola pursuant to 11 DCMR 1002.1 to permit the location of a new changeover for use by the Embassy of the Republic of Angola in an R-5-D District at premises 2100-2108 16th Street, N.W. (Square 174, Lots 800 and 806). All those planning to testify, will you please stand and raise your right hand. Oh, I'm sorry.

13 MS. KING: What? They don't testify under oath?

14 MS. REID: No.

15 MS. KING: Okay. Madam Chair, may I ask if there is anyone in opposition to this case? Then perhaps Mr. Collins could expedite the hearing because we've read the record. This gentleman in the orange shirt is going to listen and then decide whether he would like to refuse or not.

20 MS. REID: Okay.

21 MS. REID: Go ahead, Mr. Collins.

22 MR. COLLINS: Thank you. Madam Chairperson and members of the Board, my name is Christopher Collins with Wilkes,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

Artis, Hedrick and Lane. Seated to my right is Mr. Matias Matondo. Mr. Matondo is the first secretary of the Republic of Angola and the No. 2 ranking diplomat at the mission.

4 Further down Olga Madombay. Mr. Madombay is with the embassy staff and is in charge of this relocation effort for the embassy.

7 Finally Mr. Robert Morris who is the traffic and transportation person for the embassy in this case.

9 This is an application to relocate the chancery of the Republic of Angola to the property at 2100-08 16th Street N.W. The properties have had a long history of nonlatential use. The statement that was filed on behalf of the applicant describes the use history. 2100 16th Street has been used for chancery purposes in the past and most recently was a medical clinic and a child development center. And 2108 16th Street has been most recently a child development center -- I'm sorry, a medical clinic and has been so for at least 15 years.

18 This application has the support of the Department of State and additional letters of support have been submitted by the Office of Planning in support of the application. ANC-1B has filed a letter in support with conditions. I understand a representative is here to address that issue.

23 We did contact ANC-1C which is the ANC in which

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

this property is located. ANC-1B is directly across 16th Street. The dividing line is actually 16th Street. ANC-1C we finally made contact with the single member district commissioner who explained to us that the ANC office had moved and they were unable to put us on their agenda. The ANC-1C single member district commissioner attended the ANC-1B meeting, expressed her concerns, and it's my understanding that her concerns were addressed in the ANC-1B letter that you have.

9 The property is zoned R-5-D and it's in the 16th Street historic district. In that zone the chancery is deemed approved subject to disapproval by this Board based upon six criteria of the Foreign Missions Act. Those criteria are addressed in detail in the statement of the applicant. I will summarize in here.

14 First of all, the international obligation of the United States to provide adequate and secure facilities for Foreign Missions in the nation's Capital. The State Department's letter addressing that issue and recommends approval.

18 Secondly, historic preservation as determined by this Board. This Board made a referral to the Historical Preservation Review Board on those modest proposals for a flagpole or plaques on both of the buildings. The buildings have been joined together as one for zoning purposes but they appear as two separate buildings.

23 Also, some modifications to the garage entry within

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

the courtyard and some fenestration as well in that courtyard. That was all approved by HPRB and they recommend favorably to you as the Foreign Missions BZA and that report is in the record.

4 The adequacy of off street parking and public transportation; there is a report in the statement of the applicant from Mr. Morris that addresses that issue and Mr. Morris is here to further address that issue.

8 The adequacy of protection has been addressed in the State Department's letter of support. Fifth, the municipal interest as determined by the mayor; there is a report from the Office of Planning that Mr. Bastida will be addressing on that issue. Sixth, finally the federal interest as determined by the Secretary of State.

13 The statement of the applicant outlines the Foreign Missions and international organizations element of the conference and plan and how we meet those criteria. The letter from the Secretary of State addresses the federal interest as well.

17 I would like to briefly go through the exhibits with you. Exhibit A on page 11 shows the property on 16th Street across from the Rosedale Apartments, a very large building that is currently vacant.

21 Page 15 and 16, Exhibit C, shows two views of the site. Page 15 shows a view from 16th Street. Page 16 shows a view from V Street. You can see two very distinguished looking buildings.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 Page 17 is Exhibit D which is the HPRB report to this  
Board. 2Pages 18 through 22, which is Exhibit E, are the exhibits that  
were filed with HPRB that formed the basis for the recommendation of  
approval to you.

5 Exhibit F at pages 23 through 30 is the Foreign  
Mission~~s~~ and International Organization's elements of the concrete  
plans. Exhibit G on page 31 is Mr. Morris' report which you'll hear  
more about later.

9 Page 37 shows Exhibit H which is the State  
Department report. Exhibit I on page 39 is Mr. Matondo's outline of  
testimony.

12 Unless there are any questions at this time, I would  
like to go directly to Mr. Matondo on behalf of the embassy.

14 MR. MATONDO: Thank you. Madam Chairperson,  
distinguished members of the Board, my name is Matias Bertino  
Matondo. I'm the No. 1 ranking officer in our embassy after the  
ambassador. I live at 4386 Eaton Place in Alexandria, Virginia 22310.

18 MS. KING: Excuse me, Mr. Matondo. Could you  
speak a little louder, please. Thank you.

20 MR. MATONDO: My name is Matias --

21 MS. KING: No, no, no. That's okay. Just from  
now on

23 MR. MATONDO: Thank you. I'll try. The reason for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

my testimony here before this distinguished Board is related to the petition that our embassy has submitted to the due authority in request of acquiring the property located at 16th Street No. 2100 and 2108 because our embassy since its conception in this country in the USA or in Washington, D.C. has been moving or shifting in term of installation.

7 From '92 to '93 our mission was located at 1899 L Street N.W., Suite 500. Then that was on a lease contract. We had to move and rent another property located at 1819 L Street from '93 to '96. Then again from '96 to '98 we had to move on a sublease to 1050 Connecticut Avenue. From '98 to date we are renting another property on 1615 M Street.

13 Just as Mr Collins pointed out, this doesn't really help our embassy to conduct its duties because we keep on moving and moving and moving. That is exactly why our embassy is trying to acquire or to buy a property we are talking about in this meeting. We believe that the property meets our requirement and on our side we will respect all the conditions set forth by the Board of the historic value of the property.

20 Madam Chairperson, our government and our embassy will be extremely thankful if our petition is seen in our favor because actually we're having problems to conduct our activities under the conditions we are having now of renting and subleasing.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 One more time I would like reiterate the wish of our  
government and of our embassy to buy this property. We will do all  
our best to maintain the property and abide by the law of the  
governing body of the area. That's all I have to say. I thank all the  
distinguished members of this Board, and especially the Chairperson.

6 MR. MORRIS: Unless there are any questions at this  
time, I'd like to go to Mr. Martin.

8 MS. REID: Any questions?

9 MS. KING: No. No questions.

10 MR. MORRIS: Madam Chairperson, members of the  
Board, I'm Robert L. Morris, Traffic Engineering and Transportation  
Planner. My home address is 9109 Rouen Lane, Potomac, Maryland  
20854.

14 As Mr. Collins has told you, I did prepare a traffic  
analysis. It is in the material before you. It's Exhibit G. Just touching  
briefly on the highlights of that and obviously I'll be happy to answer  
any questions you might have.

18 The report states what the existing conditions are.  
Specifically the intersection of V Street and 16th Street which is the  
location of the subject property, 16th Street being the major arterial  
street. V Street is a local street that carries just one-way traffic  
westbound; that is, away from 16th Street.

23 There is no parking permitted during rush hours on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

16th Street. V Street has two-hour residential permit parking. In fact, I have a map that indicates what the on-street parking is in the entire area there. I would note that there is no public parking facility in the area. 4

5 V Street has two-hour residential permit parking on the south side of the street and on the north side of the street beginning with the end of this property. I'm not sure why there is no parking posted immediately adjacent to this property.

9 As the Board knows, embassy's chancery's are permitted to have on-street diplomatic parking up to 60 feet. There is 60 feet available adjacent to this property on the north side of V Street and application, I think, would be made. But more important than that we have on site space for 14 cars. As my report shows, even if every diplomat drives a car with no carpooling there would only be 13 cars at peak demand so that there is adequate parking on site for all the diplomats who might drive.

17 There could be an additional three parking spaces on V Street. The nondiplomats at the present time use public transportation. They would continue to use public transportation. There is excellent bus service. There is a total of 12 bus lines within two blocks of the subject site. There is no reason why the existing pattern of nondiplomats using public transportation would change.

23 I've indicated in my report the number of trips to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

site, an average of just a little over one a day for visitors. The embassy has kept very detailed records of every visitor who came to the site over a period of a couple of months, I believe, which they made available to me. That's how we came up with the 1.16 visitor per day

6           There is a national celebration once a year with 100 to 150 people. This would not take place on the site. It takes place at the Ambassador's residence. There is a possibility in the future it might be shifted but there's no intention to do that now. In the event that it would be, it would take place at this site and there would be valet parking just as other embassies handle such events.

12           My bottom line, Madam Chairperson, is that there is adequate parking so that there would not be an adverse impact on the neighborhood. There would be no adverse impact in terms of volumes of traffic and, therefore, from the traffic engineering viewpoint, this would be an appropriate use of the site.

17           MS. REID: Thank you, Mr. Morris.

18           MS. KING: I'm trying to find it now but I think Mr. Bastida recommended that there be some screening of the parking. Is that correct?

21           MR. BASTIDA: Yes.

22           MS. KING: Does this planting and so forth, does that represent the screening of the parking?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. COLLINS: I can address that.

2 MS. KING: Is that the existing part of the planting?

3 MR. COLLINS: We discussed with Mr. Bastida after  
developing this parking plan and after submission of our statement an  
issue of planting. We identified a location where we could put a tree.  
Looking at the plan, you'll notice on the upper north side of the parking  
area it's steps leading to the northern building.

8 MS. KING: Um-hum.

9 MR. COLLINS: And to the left of those steps is an  
indentation area. We could locate a tree in that position there. I  
believe that is something we discussed with Mr. Bastida.

12 MS. KING: That would not be a deciduous tree but  
an evergreen of some kind?

14 MR. COLLINS: Well, we really haven't worked out the  
details.

16 MS. KING: But, I mean, you are amenable  
-- the embassy is amenable to following the Office of Planning  
suggestion on screening the parking?

19 MR. COLLINS: Well, I'm not sure to what extent it will  
be screening the parking because if you look at the photos of the  
property, the parking is substantially screened. If you look at Exhibit C  
on page 15 you'll see how the parking is screened. What Mr. Bastida  
was referring to, as I understand it, was to soften the appearance

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

within the parking court.

2 MS. KING: Oh, within the courtyard. I see.

3 MR. COLLINS: Not to screen the court.

4 MS. KING: You wanted something in there?

5 MR. COLLINS: Yes.

6 MS. KING: Oh. I see. I misunderstood then.

7 MR. COLLINS: There is sufficient screening of it from  
the outside. This is to address the inside.

9 MS. KING: I see. Okay.

10 MR. COLLINS: That is the location so that could be  
done without interfering with the moving vehicles.

12 MS. KING: Okay.

13 MS. REID: Any questions, Mr. Parsons?

14 MR. PARSONS: Yes. I was trying to assess Mr.  
Morris's comment that -- I'm sure you didn't say this so help me out. I  
thought you said there were 23 employees. I've learned in here there  
are 23 or 24 employees and you said that if all of them drove, you  
would have enough parking spaces.

19 MR. MORRIS: I said if all the diplomats.

20 MR. PARSONS: All 13 of the diplomats.

21 MR. MORRIS: Yes, sir.

22 MR. PARSONS: I see.

23 MR. MORRIS: The nondiplomats now use public

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

transportation. I see no reason why that would change.

2 MR. PARSONS: Now I understand. Do you feel we need all the parking spaces that are shown? Can you do with a couple less?

5 MR. MORRIS: I always feel more comfortable with a little bit of a margin so there's no danger of any impact on the neighborhood.

8 MR. PARSONS: Of course you do. I'm trying to make it a better place to be like Mr. Bastida is.

10 MR. MORRIS: I understand, sir.

11 MR. PARSONS: I see on the diagram a lot of the cars are small cars in order to get this configuration to 14. I was hoping that this rear entrance or side entrance or stairway here could be embellished with some landscaping instead of just throwing a tree into the asphalt and make a sense of entry into this place.

16 It's way beyond the scope of this Board's decision making or authority to urge you to have a better rear entrance but I urge you to do that. I would support the need for at least a tree and be very careful selecting it because it's a very tight space. Trees grow. Before you know it, you're sorry you did it.

21 MS. KING: Is that your professional opinion?

22 MR. PARSONS: Yes.

23 MR. BASTIDA: That trees grow?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. PARSONS: That's a very difficult space to plant  
a tree. 2 You've probably already come to realize that. I was hoping  
there was another place to embellish this a little bit with a sense of  
place other than a canyon for cars which I'm afraid it is now. I would  
agree that the view from the street is okay.

6 MS. REID: All right. Do you have any other further  
witnesses or any testimony?

8 MR. COLLINS: No, ma'am. But I would like an  
opportunity to make a closing statement.

10 MS. REID: Certainly.

11 MR. COLLINS: Thank you.

12 MS. REID: All right. Government reports,  
Department of State.

14 MR. MLOTEK: Good afternoon. May it please this  
honorable Board. I am Ronald Mlotek, legal counsel of the Office of  
Foreign Missions of the U.S. Department of State. I am here today to  
represent the views of the Secretary of State pursuant to the Foreign  
Missions Act of 1982 as amended with respect to this application.

19 The Office of Foreign Missions has already submitted  
in writing as part of this application our views which are in support of  
the application. I will not read the letter verbatim.

22 MS. REID: We've read it, Mr. Mlotek.

23 MR. MLOTEK: I will simply highlight the fact for the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

Board that the Department of State does have significant reciprocity interest in Angola and the capital Luanda with respect to our intention to construct a new chancery diplomatic mission in the United States of that country.

5 This is part of our overall worldwide embassy security enhancement program which, of course, has been made a lot more significant and vital to the Department of State since the tragedies in Nairobi and Dar es Salaam last year, the attacks against our embassy. We point that out in the letter.

10 We believe that a favorable decision by the Board in this case immaterially assists the United States Government in obtaining the necessary facilitation and necessary assistance from the government of Angola, the authorities in Angola, in realizing those ambitions that I just enunciated.

15 They have been helpful so far and we believe they will continue to be helpful to us in the future, particularly in consideration of the favorable outcome in this particular method.

18 I would just like to briefly comment on the issue of parking that was mentioned by Mr. Parsons. The Department's views on this are traditionally the chancery should have adequate parking and, if anything, should have more spaces rather than less spaces.

22 In our experience, the problems with chanceries in neighborhoods, both for the chanceries and for the residential

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

communities, are exacerbated when there is not sufficient parking. That is usually the fear, the greatest concern of the community when a new chancery is seeking to locate there.

4 That is almost invariably the cause of problems or frictions between the community and the chancery once the chancery is already located there. We prefer to see more spaces rather than less. We think in the present case there is an adequate number of spaces given the current number and the projected number of diplomats at this mission. We would not want to see them decrease.

10 In addition, it's my office that is responsible for ensuring that embassies pay any parking fines that they incur. Of course, to the extent that they don't have sufficient off-street parking, the likelihood of getting parking tickets increases significantly. We would like to see them have more and not less. We would not want to see this number reduced. We review all of the incoming applications to make sure that there is enough parking and to sway chanceries from locating in places where there isn't.

18 I can answer any questions that anyone has.

19 MS. KING: No questions.

20 MS. REID: I have none.

21 MR. MLOTEK: Thank you very much.

22 MS. REID: Office of Planning representing the mayor

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MR. BASTIDA: Madam Chairperson, members of the Board, for the record my name is Alberto Bastida with the D.C. Office of Planning. The Office of Planning submitted decorum June 7 and addresses the proposed description of the chancery use criteria, the mutual interest and the Board of Zoning Adjustment review.

6 Basically the Office of Planning believes that the applicant generally complies with all of the above-mentioned criteria. The Office of Planning is concerned basically about the ambience of the court and have suggested certain trees be planted in the interior court. 10

11 The embassy has addressed the issue that they would like to maintain as much parking as possible. Accordingly, reluctantly the Office of Planning would agree with that but at least would like to have -- and I would be very specific about the type of tree in diameter that can be located there that I have seen in other urban places located.

17 I think that it should be a holly tree two inches in caliber. 18 I think that the concrete should be posted next to the steps all the way to the adjacent building so it will have enough area to grow and gather the moisture that the holly tree would need. I am being specific because it's a tubular shape that is easy to prune and it will not with proper trimming outgrow this space and will be able to be maintained rather easily.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 With that condition, the Office of Planning  
recommends approval of this application. The Office of Planning  
would like to thank Mr. Parsons for his endorsements of the planting.

4 MS. REID: Any questions of Mr. Bastida?

5 MR. BASTIDA: That concludes my presentation.

6 MS. REID: Okay. Reports or recommendations of  
other public agencies.

8 MS. KING: The Commission on Fine Arts said that  
this was not an interest of theirs. The Historic Preservation Review  
Board has approved the plan for the flag pole and the two plaques on  
the building.

12 MS. REID: Also rework the garage door opening.

13 MS. KING: Okay. I believe that's right.

14 MS. REID: Okay.

15 MS. KING: And then we have the ANC.

16 MS. REID: All right. There is a representative from  
ANC present to give a report.

18 MR. GUYOT: Madam Chairman, I ask that we waive  
the rules and that the ANC report may be accepted.

20 MS. REID: So waived.

21 MR. GUYOT: Madam Chairman, I'm Lawrence  
Guyot live at 507 U Street. I'm a member of ANC-1B. Our  
regularly scheduled meeting on June 9, which a quorum was present,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

the Advisory Neighborhood Commission 1B supported application No. 16456 of PrimeHealth Corporation on behalf of the Embassy of the Republic of Angola by unanimous vote of nine to zero.

4 Mr. Christopher Collins, an embassy representative, gave a presentation to the Commission pertaining to the proposed embassy. A lengthy discussion followed which focused on various subjects including parking, traffic, the historic preservation.

8 Also, the issues and concern of the ANC about the application relating to the six criteria for approval set forth in Chapter 10 of the Zoning Regulations and Section 206 of the Foreign Missions Act. 11

12 As further stated below, ANC-1B will support the application provided that the following conditions are met. No. 1, that there will be no new perimeter fencing around the property. No. 2, that there would be no external alterations to the building. No. 3, that there be no microwave or special antenna installed on the property.

17 ANC-1B concluded that the proposed embassy would not adversely affect the neighborhood. We are confident that the Embassy of the Republic of Angola would be good neighbors and a great addition to our community. Commissioner Guyot will represent the ANC at the hearing.

22 ANC-1B respectfully request -- we've done that, Madam Chairman. I won't go any further. Let me just say, Madam

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

Chairman, we have discussed in the ANC meeting the need for certain modifications of the American Embassy in Luanda. We looked at that as one of the considerations that drove us to this position.

We are enthusiastically in support of this application, Madam Chairman.

7 MS. REID: With the conditions.

8 MR. GUYOT: With the conditions. We have absolutely no objection voiced by the embassy or other legal representative as it relates to these conditions.

11 MS. REID: Thank you very much for your testimony. The ANC-1B will be afforded great weight to which it is entitled in that they did have a quorum and they had a unanimous vote.

14 MR. GUYOT: Thank you.

15 MS. KING: Bearing in mind that it's across the street from the embassy -- from the proposed chancery.

17 MR. GUYOT: On the basis of Moff v. the ABC Board, we are immediately affected. We were given notice and we participated as we should.

20 MS. KING: No. But did you talk to the single member district member who came to your meeting?

22 MR. GUYOT: She was present and, in fact, she laid out the conditions.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: She raised the conditions?

2 MR. GUYOT: They were raised by other people but  
she enunciated them and they were accepted by the Commission.

4 MS. KING: And has the embassy agreed to those  
conditions or do we need to talk about that now?

6 MR. GUYOT: I notice nothing but agreement.

7 MS. KING: Okay.

8 MR. GUYOT: No opposition at all to any of them.

9 MS. REID: Mr. Bastida?

10 MR. BASTIDA: Yes. I just failed to make a  
clarification. I am sure that Mr. Collins has advised the embassy that  
way. No parking is permitted on the public space of the driveway. No  
embassy parking or otherwise they can be ticketed. That is public  
space and is not part of the embassy space. I want that put into the  
record so we clarify that.

16 MS. REID: How does that affect the two spaces that  
were moved in for the diplomatic cars?

18 MR. BASTIDA: That doesn't affect it.

19 MS. REID: That doesn't affect it?

20 MR. BASTIDA: Right. That doesn't affect it. They  
would have to go through the permit process with the Department of  
Public Works.

23 MS. REID: All right.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 Thank you very much, Mr. Guyot.

2 MR. GUYOT: Thank you.

3 MS. REID: Persons in support of the application,  
please come forward.

5 MR. MILLER: Madam Chairperson, my name is  
David Miller. I was invited to this hearing because I reside directly  
across the street from the proposed chancery at 2034 16th Street  
N.W. 8

9 I am here primarily because I am concerned about the  
historical issues involved. This is an extremely important building on  
16th Street. My comments here are primarily to welcome this  
chancery to the neighborhood which is undergoing a renaissance.  
Our neighborhood is very concerned about a number of issues.

14 This building, the primary building at the corner of  
16th and V Streets was built for the residence of Charles Evan  
Hughes. He lived there for almost 30 years and he was a Supreme  
Court Chief Justice. He lived there while he ran for the presidency  
twice so it's an extremely important building historically.

19 I am very happy to hear Mr. Bastida's comments that  
the circular driveway is public space. That is an issue that concerns  
our neighborhood because cars parked there affect that corner and  
affect the appearance. We are also very concerned about  
landscaping in the area. We hope that the chancery will work toward

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

improving that corner as it has been in disrepair for many years.

2 As for the tree in the courtyard, having lived across the street for 15 years, the courtyard was once graced with a glorious magnolia which shed the light or shadow on the cars and kept them cool until the parking lot was paved with concrete. Within a year the magnolia tree had died and was removed shortly thereafter. Your idea of breaking up the parking lot, or breaking up the concrete and putting in a tree will be restoring it to what it was.

9 As to the comment about the traffic, the parking spaces in front of the embassy, or in front of the building, being not allowed or restricted at this point, for many years was a retarded children's home there and there were handicap buses that came into that space. Those particular spaces could easily be returned to diplomatic parking where there is no parking now.

15 I think that covers concerns that I have. The neighborhood welcomes this group to our neighborhood. We hope they will be good neighbors and we'll try to do the same.

18 MS. REID: Thank you very much, Mr. Miller.

19 MR. MILLER: Thank you.

20 MS. REID: Persons or parties in opposition? Seeing none, closing remarks by the applicant.

22 MS. KING: Before Mr. Collins makes his closing remarks, I see in your submission that you intend to make no exterior

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

alterations to the building. The other two ANC conditions, no microwave or special antenna installed on the property, is that agreeable?

4 MR. COLLINS: I'll need to discuss them. Let me just address those. We talked about no perimeter fencing -- no new perimeter fencing around the perimeter of the property. The building faces are the property line. What was being discussed was the vision of an iron fence at the sidewalk surrounding the property and we said we had no intention of doing that and that's what reduced itself to no new perimeter fencing on the property.

11 MS. KING: Okay.

12 MR. COLLINS: If that's agreeable. The special antenna or microwave antenna is something that the embassy agreed to. We said, of course, that would not prohibit a normal television antenna and that was agreed by the ANC. I think that was their intention as well.

17 The third about no exterior alterations, let me just make clarification here. We have filed and gotten approval from the HPRB for exterior alterations, light pole alterations.

20 MS. KING: Light pole and the two plaques.

21 MR. COLLINS: Also a few alterations to the garage by taking the two double-size garage doors and making them into three single garage doors and dealing with the fenestration above the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

windows by making them from large pane like one over one to six over six. I don't believe that Mr. Guyot was intending that. I think they were talking more about exterior changes.

4 MS. KING: He's nodding and smiling.

5 MS. REID: You all would be in agreement to those?

6 MR. COLLINS: Right.

7 MR. GUYOT: Part of the discussion --

8 MS. REID: Give your name. Mr. Guyot, you know the routine. Give your name and then --

10 MR. GUYOT: Those two additions were part of the earlier discussion before we arrived at those conditions so we are in perfect agreement.

13 MS. KING: Well, of course, in addition you have the Historic Preservation Review Board as a buffer against any bizarre things

16 MS. REID: Anything over and above.

17 MR. GUYOT: Yes.

18 MS. REID: Thank you.

19 MR. COLLINS: The only other issue of clarification is with the tree issue. It is the embassy's intention not to break up the concrete but rather to put a large planter there so that there would not be an issue of water seepage into the basement or anything like that. It can be accomplished either way.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

1 MS. REID: Mr. Bastida, were you here when Mr.  
Collins just told us what type of tree or planter would be put there?

3 MS. KING: They are afraid they will end up with a wet  
basement.

5 MR. BASTIDA: I don't think that the planter will  
sustain the tree. I would suggest that there is a way to waterproof the  
basement that, in fact, the water will not permeate into it. It's the 21st  
century and there are many ways to do it. It will be more costly but it  
is something that is commonly done. I would not recommend that.

10 MR. COLLINS: We've had in our office building on K  
Street planters out on the street on the sidewalk, substantial size  
planters with very large trees in them for years and they seem to  
thrive. It's just a question of whether we break up the concrete. I  
think we are all in agreement on the issue. It's a question of how we  
execute it. Do we have to break up the concrete and then seek to  
waterproof the wall and dig out the dirt.

17 MS. REID: Mr. Collins, ultimately that decision is  
made by this Board after taking into consideration the testimony that is  
given here today.

20 MR. BASTIDA: I believe that the cost of minimal so  
far as the renovation of the facility and it goes a long way to assure  
that the tree will survive.

23 MS. REID: Okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

1 MR. COLLINS: Other than that, we thank you for the opportunity to present this to you and we look forward to your favorable response at the earliest possible time.

4 MS. REID: Mr. Collins, given the fact that the representative of the National Capital Planning Commission failed to be here today, he is going to read the record and he will then cooperate proxy.

8 MS. PRUITT: Mr. Griffith indicated -- first he apologized he wasn't able to make it here this afternoon. He has already read the record and will read the transcripts so he can fully participate in the decision immediately.

12 MS. REID: Okay.

13 MS. KING: The decision will be made when?

14 MS. PRUITT: In time for the July 7th meeting.

15 MS. KING: Will the transcript be available by that time? 16

17 MS. PRUITT: We can expedite it.

18 MR. COLLINS: The six-month time frame for this case ends in August.

20 MR. BASTIDA: But there is nothing that prohibits you from making a decision now. You are at liberty to make such a decision.

23 MS. KING: Even without the NCPC participation?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, DC 20005

1 MR. BASTIDA: Indeed. You have a quorum, it's properly constituted, and you have the right to make a decision.

3 MS. REID: All right. I'm sorry. I was told earlier that the National Capital Planning Commission had to participate in the decision. But if that is not the case, I have no problem with making a decision.

7 MS. KING: Neither do I. What about you, John?

8 MR. PARSONS: If we are going to deny it, I think he would like an opportunity to participate but that's not my sense here.

10 MS. KING: We're not going to do that.

11 MR. PARSONS: Well, I move that we approve this application.

13 MS. KING: I second your motion.

14 MR. PARSONS: I think the ANC has done good work and we should include those conditions. I think that the objective of a tree or some softening of the entrance in the courtyard in general is worthy but I must be candid with you, Mr. Bastida. I think the planter may be a better solution. What I hope you mean by a planter is the kind you are describing outside your law offices. It is something three to four feet in diameter. I mean, substantial. I think the same three that Mr. Bastida is talking about -- is it an American Holly or what kind of holly are you talking about?

23 MR. BASTIDA: I was thinking of an American Holly

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

because you find them in very small spaces. People trim it and they can grow to about 20 feet and they usually look very attractive.

3 MR. PARSONS: I hate to discuss it by a tree  
because --

5 MS. KING: But not a deciduous tree.

6 MR. BASTIDA: An American Holly is not.

7 MS. KING: No. I was saying --

8 MR. PARSONS: I would give them the flexibility of a holly or a yew. It's in the context of an evergreen tree. The holly would probably be much richer. Something about three to four feet in diameter and a promise to maintain it.

12 MR. BASTIDA: What do you say as caliber?

13 MR. PARSONS: I would guess height would be  
better.14

15 MR. BASTIDA: Okay.

16 MR. PARSONS: I would guess that height would  
better for specifying an evergreen. I would say six to seven feet.  
That's above the planter and not including the planter.

19 MR. BASTIDA: Leave it to Chris Collins and he would  
include the planter.

21 MS. REID: I would concur with Mr. Parsons. I think  
that the applicant has met the burden of proof and that they do have  
full AND support. There has not been any opposition. We also heard

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

from one of the neighbors who is in support of this application.

2 I also feel that a planter would be satisfactory as  
opposed to having to break up the concrete. I suggest we impose that  
condition. I feel that this will be a viable addition to the neighborhood  
bringing the property back into service with a much less intense use  
than it had previously. I would be very much in favor of approving this  
application.

8 MS. KING: I second the motion. I don't think we  
need to waste time hearing me say what you all have said. I agree.

10 MS. REID: All right. All in favor, aye.

11 ALL: Aye.

12 MS. REID: Opposed?

13 (No Response.)

14 MS. PRUITT: The staff will record that is three to  
zero to approve or not to dismiss the motion made by Mr. Parsons and  
seconded by Mrs. King.

17 MR. GUYOT: Madam Chairman, on behalf of the  
ANC-118 I would like to thank you.

19 MS. REID: Thank you.

20 MR. COLLINS: Thank you.

21 MS. PRUITT: The next case on the agenda is 16470,  
application of The American Society for Microbiology, pursuant to 11  
DCMR 3108.1 for a special exception to expand the existing atrium of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

an office building of a non-profit organization; and 3107.2 for a variance to exceed the maximum permitted floor area ratio of an existing building; and under Subsections 508, 531, 536, and 2001.3(c) for variances to reduce the minimum permitted width and area of an existing closed court; and to enlarge an existing non-confirming structure in the DC/SP-1 District at 1752 N Street, N.W. (Square 159, Lot 88)7

8 All those planning to testify please stand and raise your right hand. Do you swear or affirm that the testimony you give today will be the truth? ALL: Yes.

11 MS. PRUITT: Thank you. Please be seated.

12 MR. BASTIDA: Excuse me. Let me call Mr. Gilreath.

13 MS. REID: Call Mr. who?

14 MS. KING: Jerry Gilreath.

15 MS. KING: As usual, could I ask if anybody here is planning to testify against this case? Everybody is here in your support?

18 MS. PRUITT: Two letters in the file.

19 MS. KING: Okay. Maybe we could have an expedited hearing.

21 MS. REID: Absolutely. There doesn't appear to be anyone in opposition. Basically you can stand on your submission that we have read and the two letters that have been submitted. We'll

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

just look at the highlights and we can get through this relatively quickly. Thank you for your patience and your indulgence in having to change the agenda around on you all of a sudden. Hopefully we can make that up to you by getting you out of here quickly.

5 MS. PRINCE: That's great. We'll always defer to the foreign governments. I'm Allison Prince with Wilkes, Artis, Hedrick and Lane. I'm here today on behalf of the American Society for Microbiology. We are here for multiple variances and a special exception. But to put this matter in the proper context, we're talking about 502 square feet, expanding an existing atrium by that amount.

11 The reason for the variance is the property is grossly non-conforming because it's been down zoned twice since the original approval of the structure in 1979. You may be familiar with the site. It consists of some historic townhouse facades that were threatened with demolition in '78 and pursuant to negotiation with the Historic Preservation Review Board at that time were saved and the addition was approved back then at a 5.5 FAR in the midst of an effort to down zone the Dupont Circle area. The maximum permitted FAR on the site is now 2.5.

20 So we have a situation where the site is extraordinary for a variety of reasons. The most significant of which is probably that it's the presence of the historic townhouses and the irregular lot configuration, two alley frontages, the fact that it has been down

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

zoned twice since '79. All of these items are set forth in the '79 order where the Board did find at that time that the property was purely unique.

4 We are aware of no opposition. ASM has gone to great lengths to reach out to the community and make sure there are no concerns. Kim Shankle is here. She can describe her efforts. The architect is here. He can describe what is a very easy to describe change to the existing atrium of the building.

9 We went to the ANC even before we filed and presented three plans for the atrium expansion. The ANC found all three acceptable. We went with the middle scheme, the one that was not the most lot coverage. The ANC was prepared to go along with an even more aggressive scheme.

14 If the Board has no questions, I'll give you some choices. I know Ms. Shankle's testimony is in writing. We can simply submit that for the record. I know the plans are in the record and Majoj Dalaya can hit highlights if you have questions, or we can proceed with the testimony as we had planned.

19 MS. KING: I have a question. I don't understand why you're doing it. I mean, the building looks gorgeous. I mean, I know it on the outside. The photographs are divine. It seems like an awful lot of expense to gain -- I mean, people are not using the outside courtyard? I mean, why is my question. Why are you doing this?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. PRINCE: I think the architects could address  
that from a function standpoint, I think.

3 MS. KING: Because it's very pricey I'm sure. I don't  
quite understand why you're doing it. That's not really affecting my  
decision. I just am curious. Why are you doing it?

6 MR. DALAYA: Do you want me to answer?

7 MS. REID: Give your name and your address.

8 MS. KING: And your home address.

9 MR. DALAYA: All right. My name is Manoj Dalaya. I  
work for Davis Carter and Scott. I live at 8711 Winthrop Drive,  
Alexandria, Virginia. I'm the project architect.

12 I'll explain using a couple of diagrams. This is the  
atrium as we call it. It's one story. In the front what you see is actually  
the backside at the townhouses. There's a taller building on the  
opposite side.

16 The way the building functions is the ASM has bought  
the building and they are prepared to use the first five floors. The last  
three floors will be actually given to speculative tenants.

19 The desire of the ASM is to actually make that space  
vitality more functional where that dotted line represents the profile of  
the atrium and they want to bring it out seven and a half extra feet and  
change the profile a little bit which will enhance the scale of the space,  
and also allow them a better reception area in the courtyard to put a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

desk there and actually move people to the elevators.

2           The space looks significantly better with that  
adjustment and it gives a better reception to the entire presentation at  
ASM makes to its tenants. The space is designed as a bridge  
between the old townhouses and the newer eight story building. What  
we have tried to do is actually prepare that space and give it a little  
better presentation than the one story structure did.

8           MS. KING: I see. From N Street you walk through  
the old buildings and this is, in effect, the reception and elevator area.

10          MR. DALAYA: That's correct.

11          MS. KING: All right. I understand. How old is the  
present building -- I mean, the present atrium? How long has it been  
there?

14          MS. PRINCE: 1979.

15          MS. KING: Oh, it's been there 10 years.

16          MS. PRINCE: Construction was probably in '80.

17          MS. KING: I have no questions. It looks to me like a  
very good plan.

19          MS. REID: I just have one question and that is in  
regard to your self-certification.

21          MS. PRINCE: Yes.

22          MS. REID: On the copy I have it does not have the  
Zoning Administrator's signature.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. PRINCE: I know we were making ever effort to  
secure that last week. I thought that had been done but it raises the  
bigger question. We don't understand why the Zoning Office has to  
confirm that they have not determined the areas of relief. This has  
been an issue. I can walk it down there and say, "Sign this and say  
that you haven't read it," but it seems a little kooky.

7 MS. KING: It does, doesn't it? It seems positively  
bizarre

9 MS. REID: Be that as it may --

10 MS. PRINCE: Is that the requirement?

11 MS. REID: It is not --

12 MS. PRINCE: We have processed numerous ones  
without that. This was the first time I had that issue raised.

14 MS. REID: Okay. But it's not for us to determine  
why. They didn't ask us when they established this form. This is just  
to make sure that we have all of our i's dotted and t's crossed.

17 MS. KING: Did the Zoning Commission --

18 MS. REID: Prior to the order being submitted if you  
would just, you know --

20 MS. PRINCE: We'll submit it signed.

21 MS. REID: For our records I would appreciate it.

22 MS. PRINCE: Sure.

23 MS. REID: Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. KING: Did the Zoning Commission establish that requirement or did DCRA? Who printed the form?

3 MS. PRUITT: DCRA. Is this for the self-certification?

4 MS. KING: Um-hum.

5 MS. PRUITT: I'm sorry, because I was talking to Mr. Parsons and I missed the gist of it so I'm kind of coming in here not knowing what was the issue.

8 MS. KING: Who designed the self-certification?

9 MS. PRUITT: It was designed at DCRA.

10 MS. KING: Well, it's in response to Zoning Commission's ruling. Isn't it?

12 MS. PRUITT: Yes and no. Zoning Commission agreed to self-certify a limited number of issues. DCRA took it upon themselves to decide a self-certification appeal for everything so it's a hybrid of the two. I mean, Zoning Commission has discrete items that would be self-certified. DCRA said, "No, never mind. You can do all of them." And they designed the form.

18 MS. KING: Well, do our rules for self-certification require DCRA's signature?

20 MS. PRUITT: Typically it does but we have had a hard time getting them to comply to be honest, which is not the applicant's fault. I mean, they have to pick up the forms from DCRA. We don't have it. It originates there.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: Well, there you have it. It's another one of those things you have to deal with.

3 MS. KING: Bureaucracy strikes again.

4 MS. PRINCE: We'll simply get the form signed. I thought it had been done.

6 MS. KING: It seems we could do something about it.

7 MR. GILREATH: Well, without the signature does that in any way invalidate determination?

9 MS. PRUITT: The applicant has the responsibility.

10 MS. KING: Let's waive it. Can we waive it?

11 MS. PRUITT: The whole idea of the self-certification is the applicant is willing to take the responsibility for Zoning to be wrong.

14 MS. KING: I move that we waive the requirement in this case.

16 MS. PRUITT: If it is wrong, then the applicant has accepted that and they start all over again. Self-certification was a shortcut designed to allow those who believe they understand the zoning regulations to avoid having to waste or use precious time at DCRA and come directly to us.

21 MR. GILREATH: I second Mrs. King's motion if you heard her.

23 MR. PARSONS: She probably needs to do it again.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: If we can.

2 MS. KING: We can waive any rules of ours.

3 MS. REID: That's not our rule.

4 MS. KING: I move that we waive the requirement for  
a signature on this form.

6 MS. REID: I don't think we can do that.

7 MS. KING: Well, Jerry seconded by motion.

8 MR. GILREATH: Well, we are requiring it. Before we  
said they've got to submit one signed.

10 MS. REID: I don't understand. That's not one of our  
rules, that signature. I would assume there is a reason and I would  
not -- you know, you can go ahead and waive it but I, for the record,  
would like to see a signature on that line.

14 MR. GILREATH: I don't have strong feelings either  
way. 15

16 MS. REID: You can make a determination.

17 MR. GILREATH: Well, Ms. Pruitt says it's not  
required.

19 MS. PRUITT: It is required. It's typically not done.

20 MR. GILREATH: If there were ever any kind of legal  
difficulty and there's no signature, does that invalidate a lot of things?

22 MS. PRUITT: To be honest, Mr. Gilreath, I don't  
know. 23

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: Why take a chance. Isn't it simpler to get  
the signature?

3 MR. GILREATH: Okay.

4 MS. PRINCE: We'll get it signed.

5 MR. GILREATH: Get one with a signature.

6 MS. REID: It's best to err on the side of caution when  
dealing with Government forms, I think. Nonetheless, if you all want to  
waive it--

9 MR. GILREATH: I withdraw my motion.

10 MS. REID: Let's move forward. Are there any other  
comments? Any other discussion or questions? No opposition. Do  
we have a ANC report?

13 MS. PRINCE: I spoke with the ANC chairman last  
week and he mentioned --

15 MS. REID: 2B?

16 MS. PRINCE: 2B.

17 MS. REID: They haven't submitted anything. We  
assume they don't have any opposition. They support the application.  
Do you have any closing remarks?

20 MS. PRINCE: We would very much appreciate your  
expedited decision on this matter.

22 MR. GILREATH: Madam Chair, are you ready for a  
motion?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

1 MS. REID: Um-hum.

2 MR. GILREATH: I feel they have met the burden of  
proof. This is a unique structure. Since they have gone to the  
expense and they have those old townhouses and so forth, I think it is  
appropriate. I recommend that we approve the application.

6 MS. REID: I agree. All in favor?

7 ALL: Aye.

8 MS. REID: Opposed?

9 (No Response.)

10 MS. REID: You'll have your order in about two  
weeks

12 MS. PRUITT: Madam Chair, for the record, Mr.  
Gilreath was the maker of the motion but who seconded it?

14 MS. KING: I did.

15 MS. PRINCE: Thank you very much.

16 MS. REID: Good luck.

17 MS. PRINCE: Thank you.

18 MS. PRUITT: The staff will report the vote is four to  
zero approved. The motion was made by Mr. Gilreath and seconded  
by Mrs. King.

21 MS. REID: Okay. This completes the hearing this  
afternoon.

23 (Whereupon, the hearing was concluded at 3:25 p.m.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16

**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, DC 20005